



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1363 OF 2026

SANJAY GOPAL CHANDELE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondent - State : Mr. S. A. Gaikwad
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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 22nd SEPTEMBER, 2026

PER COURT :

1. Heard the learned Advocate for the applicant and the learned APP for the respondent-State. With their assistance, I have perused the charge-sheet and the material placed on record.

2. The applicant seeks his release on regular bail in connection with Crime No. 108 of 2026, registered with Varangaon Police Station, District Jalgaon, for the offences punishable under Sections 3, 4 and 5 read with Section 25 of the Arms Act, 1959. The applicant was arrested on 13th April, 2026 and has remained in custody since then.

3. The prosecution case, in brief, is that on 11th April, 2026, the police found two country-made pistols, four live

cartridges and a sword in the possession of co-accused Ashok Koli. During the investigation, it was revealed that the said pistols had allegedly been supplied to Ashok Koli by co-accused Arun Chavare. According to the prosecution, Arun Chavare had purchased the pistols from the present applicant for a consideration of Rs.45,000/- each. The prosecution further relies upon the recovery of another country-made pistol from the residence of the applicant pursuant to information allegedly furnished by him. It is further alleged that the applicant had obtained the pistols from co-accused Sanjaysingh Pathwa, who had not been apprehended when the charge-sheet was filed.

4. Learned Advocate for the applicant submits that the applicant was not named in the FIR and that his alleged involvement initially surfaced on the basis of the statement of a co-accused. He submits that the evidentiary value of such a statement, as well as the alleged recovery, would have to be determined during trial. It is further submitted that co-accused Ashok Koli, from whose possession the weapons were recovered, and co-accused Arun Chavare, who allegedly procured the pistols from the present applicant, have already been released on bail. The applicant, therefore, claims parity with the said co-accused.

5. Learned Advocate further submits that the investigation is complete and the charge-sheet has been filed. The applicant has been in custody since 13th April, 2026, and his further detention is not necessary for investigation. As regards the criminal antecedents, learned Advocate submits that although earlier offences have been registered against the applicant, he has been released on bail in those matters and none of them has resulted in a conviction. He, therefore, prays that the applicant be released on bail by imposing appropriate conditions.

6. Learned APP strongly opposes the application. He submits that the allegations against the applicant are serious, inasmuch as he is alleged to have supplied two country-made pistols to a co-accused and another pistol has been recovered at his instance. He particularly draws the attention of the Court to the applicant's criminal antecedents, including earlier offences under the Arms Act. According to the learned APP, the applicant was released on bail in Crime No. 69 of 2026 and, shortly thereafter, allegedly committed the present offence. It is submitted that the applicant has repeatedly been involved in offences of a similar nature despite having been granted bail by the Courts. The learned APP, therefore, expresses a serious apprehension that, if released, the applicant may again indulge in similar criminal activities. He

submits that such conduct deserves to be viewed seriously and prays for rejection of the application.

7. I have considered the rival submissions. The accusation against the applicant cannot be regarded as insignificant. The prosecution alleges that he was involved in the sale of unlicensed firearms. Having regard to the nature of the allegation, Section 5 read with Section 25(1) of the Arms Act may be attracted. After the amendment of 2019, the punishment prescribed under Section 25(1) is imprisonment for a term of not less than seven years, which may extend to imprisonment for life, besides fine. The gravity of the alleged offence is, therefore, a relevant consideration while deciding the present application. However, whether the prosecution ultimately establishes the alleged sale and the precise offences attracted are matters to be determined at the trial.

8. At the same time, the material relied upon by the prosecution must be examined for the limited purpose of determining whether the applicant's continued detention is necessary. The applicant's alleged involvement initially emerged from the statement of a co-accused. Such a statement made to the police cannot, by itself, be treated as substantive proof against the applicant. The alleged recovery of the third pistol will have to be

considered in accordance with the applicable provisions of the Bharatiya Sakshya Adhiniyam, 2023, including the proviso to Section 23(2), insofar as the information distinctly relates to the fact discovered. The admissibility, evidentiary value and reliability of the material are matters for trial. It would not be appropriate to record any conclusive finding on those aspects at this stage.

9. The applicant has also relied upon the release of co-accused Ashok Koli and Arun Chavare. However, parity cannot be considered in isolation. The role attributed to the present applicant is that of supplying firearms, and the prosecution also relies upon the recovery of another pistol at his instance. His criminal antecedents constitute an additional distinguishing circumstance. The applicant's prayer for bail must, therefore, be considered independently, having regard to his alleged role, the material collected during investigation and the likelihood of misuse of liberty.

10. The applicant's criminal antecedents require particular consideration. The application discloses five earlier crimes under the Arms Act in which the applicant has been released on bail. The police material and the order of the learned Sessions Court refer to seven offences registered against him. The prosecution has also

alleged that the present offence was committed shortly after his release on bail in Crime No. 69 of 2026. However, the precise date of release, the conditions imposed in that matter and the present status of those proceedings have not been satisfactorily established from the material placed before this Court. No conviction in the earlier cases has been shown. The registration of earlier offences cannot be treated as proof of guilt, but the nature and recurrence of the allegations are relevant while assessing the apprehension expressed by the prosecution.

11. The principles governing cancellation of bail are also well settled. Subsequent conduct demonstrating misuse of liberty, interference with the administration of justice or involvement in further criminal activity may furnish grounds for seeking cancellation. However, the mere registration of another crime does not result in automatic cancellation of an earlier bail order. The Court concerned must examine the nature of the subsequent accusation, the material supporting it, the conditions of the earlier bail order and the circumstances in which cancellation is sought. The decision must rest upon judicial satisfaction and not merely upon the opinion of the investigating agency.

12. In the present case, the applicant has remained in

custody for more than five months. The investigation against him is complete and the charge-sheet has been filed. The weapons relied upon by the prosecution have been recovered and seized. No further custodial interrogation of the applicant is shown to be necessary. The principal apprehension expressed by the prosecution concerns the possibility of repetition of similar offences after release.

13. This apprehension is undoubtedly serious, particularly in view of the applicant's antecedents and the nature of the present accusation. Nevertheless, having considered the material presently available, the period of incarceration, completion of investigation and the stage of the proceedings, I am of the view that the applicant's further detention is not necessary at this stage. The apprehension expressed by the prosecution can be addressed by imposing stringent and enforceable conditions, including restrictions upon his movement and regular reporting to the police. The applicant must, however, understand that the liberty granted to him is subject to strict compliance with those conditions. In the event of misuse of liberty, the prosecution shall be at liberty to seek cancellation of bail before the competent Court.

14. Before parting with the matter, it is necessary to

address an issue of wider concern arising from the submissions of the learned APP. This Court has come across cases in which persons already released on bail are subsequently involved in offences of a similar nature. The present case illustrates the concern, although the applicant's alleged involvement in the subsequent offence and any breach of an earlier bail order remain to be established in accordance with law.

15. The grant of bail is an exercise of judicial discretion governed by the facts of each case and the applicable legal principles. Equally, an order granting bail does not place an accused beyond judicial scrutiny in respect of his subsequent conduct. Where credible material indicates that an accused has misused the liberty granted to him, it is necessary that such material be brought promptly before the Court competent to consider cancellation of bail.

16. The difficulty arises when an accused, after being released on bail in one crime, is involved in another crime, but the investigating agency in the earlier crime is not informed of the subsequent development. The Court which granted bail may consequently remain unaware of circumstances which could be relevant to the continuance of that relief. Such a situation may

arise particularly where the subsequent offence is registered at another police station or in another district.

17. The criminal justice system cannot function effectively if material developments concerning the conduct of an accused on bail remain confined to the records of an investigating agency dealing with a subsequent offence. There must be a mechanism for timely communication between the police officers concerned so that appropriate proceedings, wherever warranted, may be initiated before the competent Court.

18. It is equally necessary to clarify that every subsequent FIR does not necessarily establish misuse of liberty. The nature of the allegations, their proximity to the earlier offence, the material collected during investigation and the conditions imposed while granting bail are all relevant considerations. The decision whether to seek cancellation must be taken after examining these circumstances. The ultimate decision whether bail deserves to be cancelled rests exclusively with the competent Court.

19. In this context, the Director General of Police, Maharashtra, being the head of the State Police Force, is required to ensure that an appropriate administrative mechanism is put in

place for reporting and examining cases in which persons released on bail are subsequently involved in criminal offences. Such a mechanism would assist the investigating agencies in discharging their responsibilities and enable the competent Courts to consider relevant subsequent developments whenever the circumstances so warrant.

20. Accordingly, the Director General of Police, Maharashtra, is directed to issue appropriate instructions to all Police Commissioners, Superintendents of Police and other concerned police officers throughout the State of Maharashtra, providing for the following procedure.

21. Whenever a person arrested or involved in a criminal offence is found, upon verification, to have been released on bail in an earlier criminal case, the Investigating Officer of the subsequent crime shall ascertain the particulars of the earlier crime, the Court which granted bail and, wherever available, the relevant bail order and its conditions.

22. Where the subsequent accusation concerns an offence of a similar nature, or where the material collected during investigation indicates a possible breach of the conditions of the

earlier bail order or misuse of liberty, the Investigating Officer shall promptly communicate the relevant particulars and supporting material to the Investigating Officer of the earlier crime. Where the earlier crime was investigated by another police station or district, the communication shall be made through the appropriate supervisory officer, without unnecessary delay.

23. Upon receipt of such communication, the Investigating Officer of the earlier crime shall examine the subsequent material along with the earlier bail order and its conditions. Where the material discloses sufficient grounds for seeking cancellation of bail, the Investigating Officer shall place the matter before the concerned Public Prosecutor and take appropriate steps, through the prosecution, for moving the competent Court in accordance with law.

24. The instructions shall further provide that such communications and the action taken thereon are duly recorded. The concerned supervisory police officer shall ensure that material indicating possible misuse of bail is not overlooked merely because the subsequent offence has been registered at another police station or in another district.

25. It is made clear that these directions are intended to ensure timely communication, verification and consideration of appropriate legal action. They shall not be construed as requiring the police to seek cancellation of bail mechanically in every case in which a subsequent FIR is registered. Nor shall they be construed as authorising the police to cancel bail or to take any action contrary to an order passed by a competent Court. Every application for cancellation, if filed, shall be decided independently by the Court concerned, upon consideration of the material placed before it and after following the procedure prescribed by law.

26. The aforesaid directions are issued in the interest of effective administration of criminal justice and to ensure that the investigating agencies place relevant subsequent developments before the appropriate judicial forum. They do not express any opinion on the guilt of the present applicant or any other accused person, nor do they determine whether the applicant has breached any condition imposed upon him in an earlier crime.

27. Insofar as the present applicant is concerned, the Investigating Officer shall verify the particulars and conditions of the bail granted in Crime No.69 of 2026 and the other relevant earlier crimes. If the material collected in the present crime

furnishes sufficient grounds for seeking cancellation of bail in any earlier case, appropriate steps may be taken before the competent Court in accordance with law. This direction shall not be treated as a finding that any earlier bail condition has been violated.

28. The learned Public Prosecutor, High Court of Bombay, Bench at Aurangabad, shall ensure that a copy of this order is forwarded to the Director General of Police, Maharashtra, within one week from today. The Director General of Police shall issue the necessary instructions within a further period of three weeks and place a compliance report before this Court.

29. In view of the foregoing discussion, the following order is passed :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant, Sanjay Gopal Chandele, shall be released on bail in connection with Crime No. 108 of 2026, registered with Varangaon Police Station, District Jalgaon, for the offences punishable under Sections 3, 4 and 5 read with Section 25 of the Arms Act, 1959, upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand only), with one or two solvent sureties in the like amount, subject to the following conditions:

(a) The applicant shall not enter the territorial limits of Bhusawal Taluka until framing of charge, except for the purpose of attending the Investigating Officer, the police station for compliance with the reporting condition, or the Court in connection with the proceedings. Before his release, the applicant shall furnish to the Investigating Officer and the Trial Court his complete residential address outside Bhusawal Taluka and his mobile number. He shall intimate any change of address or mobile number in advance to the Investigating Officer and the Trial Court.

(b) The applicant shall report to the police station having jurisdiction over his declared place of residence on every Monday between 10.00 a.m. and 12.00 noon until framing of charge. The applicant shall thereafter report as and when directed by the Trial Court. The officer concerned shall maintain a record of such attendance. The applicant shall not be required to report at the police station on a day when his personal attendance before the Trial Court is required, provided he produces proof of such attendance at his next reporting date.

(c) The applicant shall attend the Trial Court on every date fixed for hearing, unless his personal attendance is specifically exempted by that Court. He shall cooperate with the trial and shall not seek unnecessary adjournments.

(d) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness. He shall not tamper with the prosecution evidence or otherwise obstruct the course of justice.

(e) The applicant shall not leave India without prior permission of the Trial Court. If he possesses a passport, he shall deposit the same with the Trial Court within seven days of his release.

(f) The applicant shall not involve himself in any offence of a similar nature while on bail.

(g) In the event of breach of any of the aforesaid conditions or misuse of liberty, the prosecution shall be at liberty to move the competent Court for cancellation of bail in accordance with law.

(iii) The Director General of Police, Maharashtra, shall issue appropriate instructions to the police authorities throughout the State in terms of paragraphs 20 to 25 of this order, within the period stipulated in paragraph 28.

(iv) The learned Public Prosecutor shall forward a copy of this order to the Director General of Police, Maharashtra, within one week from today and ensure that a compliance report is placed before this Court.

- (v) The observations made in this order are prima facie and confined to the adjudication of the present bail application. The Trial Court shall decide the case independently, on the evidence adduced before it, without being influenced by any observation made herein.

- (vi) List the matter after four weeks, only for reporting compliance with the directions issued to the Director General of Police, Maharashtra.

(HITEN S. VENEGAVKAR)
JUDGE