

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2223 OF 2014

Manish Ramvilas Nagori

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. B. A. Aloor for Applicant

Mr. D. P. Adsule APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JANUARY 30, 2015

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 29/08/2013 in crime no. 97 of 2013 registered at Jaysingpur Police Station, District: Kolhapur for offence punishable under sections 302, 147, 148, 149, 120 (B) r/w 34 of Indian Penal Code. Investigation is completed and charge-sheet is filed.

2) Principal allegation against present applicant is that he had sold one unlicensed pistol to accused Sunil Telnade and Javed Kunnur who happen to be principal accused in crime no. 97 of 2013. There are 22 accused in the present case. By an order dated 14/01/2015, this Court had enlarged accused Harish @ Gotya Ramchandra Naik. On 14/01/2015, learned APP had

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submitted that there are in all 22 accused persons, 20 persons have enlarged either by way of pre-arrest bail or by regular bail. The Statement of the present applicant is recorded on 02/09/2013 as a witness wherein he has admitted to have sold the pistols to the accused. It is pertinent to note that the said statement is recorded under section 161 of Code of Criminal Procedure, 1973 while he was in Judicial custody.

3) It is apparent on the face of record that, that principal accused has been enlarged on bail and the said order is not challenged by the prosecution. Hence, the said order has attained finality. The allegations against the present applicant are principally under section 3 r/w 25 of the Indian Arms Act. In view of this, applicant has made out prima facie case for grant of bail. Observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

(iii) Applicant shall report to Jaysingpur Police Station on first Sunday of each month, till the conclusion of trial.

Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)