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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1702 OF 2015**

Vishwanath Raghav Shetty

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Sudeep Pasbola a/w Mr.Bhavesh Thakur i/b Mr.Rahul Arote, for the Applicant

Mr.S.S.Pednekar, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 22nd SEPTEMBER, 2015***

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No.I-335 of 2015 registered with the Naupada Police Station, Thane, for the alleged offences punishable under Sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code and under Sections 3 and 25 of the Arms Act.
3. The complainant is PSI – Abhijit Arvind Bhujbal, who is

attached to the Crime Branch, Unit No.1, Thane. It is alleged by the complainant that when he was investigating C.R.No.56 of 2014 under Sections 3 and 25 of the Arms Act and under Section 37(1) and 135 of the Bombay Police Act, it was revealed that the said fire arms and cartridges were delivered by one Nidhansingh S. Bhui to the accused – Chintaram U. Brahmane and Sukhram V. Jain. Pursuant to the same, Nidhansingh came to be arrested. It was revealed in the course of the investigation, that with the help of some officials from Amritsar, Punjab, the said Nidhansingh had obtained fake fire arm licences purportedly issued by the District Magistrate, Amritsar and the District Magistrate, Tarantaran at Punjab. Pursuant to the same, the aforesaid complaint came to be lodged alleging the aforesaid offences.

4. Learned Counsel for the Applicant submits that the applicant was arrested as he was found in possession of a licence procured from the said Nidhansingh, which was a fake fire arms licence. He submitted that in the said CR, six accused have been arrested and that except the applicant, all the five accused have been enlarged on bail. He submitted that the allegations qua the co-accused who are enlarged on bail are identical to that

of the present applicant. He submitted that it was Nidhansingh who forged and fabricated firm arms licences and that the applicant had absolutely no knowledge that the said licence was a forged and fabricated license.

5. Considering the nature of allegations qua the applicant ; the fact that similarly placed co-accused have been enlarged on bail and the fact that investigation in the said case is almost complete, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 30,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the Naupada Police Station, Thane, on the first and third Saturday of every month between 11:00 a.m. to 12:00 noon, till the filing of the charge-sheet and thereafter on the first Saturday of every month between 11:00 a.m. to 12:00 noon for a period of 12 months from the date of filing of the charge-sheet ;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/order.
