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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1769 OF 2015

Pravin Hastimal Parmar

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Subodh Desasi a/w Hrishikesh Chavan for Applicant.

Ms. P.P. Shinde, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 10th December 2015.

P.C.

1 The applicant is apprehending arrest in CR No.I-335 of 2015 registered with Naupada Police Station, Thane under Sections 420, 465, 468, 471 and 34 of the Indian Penal Code with Section 3 and 25 of the Arms Act.

2 The first information report dated 15.7.2015 has been lodged by Mr. Bhujbal, Police Sub Inspector attached to Crime Branch, Thane City. The Police during the course of investigation of CR No.56 of 2014 registered with Thane City Police Station arrested two accused persons and recovered fire arms and cartridges from them. The said accused persons namely Chintram Bramhne and Sukraj Jain divulged the information that

the co-accused in the present crime namely Nidhansingh Santokshingh provided them the fire arms along with licences. The said two accused persons in CR No.56 of 2014 further informed the police that the said accused no.1 Nidhansingh Santokshingh in the present crime after taking substantial amount from the persons in the city of Thane have provided such sort of licences and fire arms with cartridges. The police thereafter tried to trace the accused no.1 in the present crime.

The accused no.1 Nidhansing was subsequently apprehended and during the course of investigation one VaganR car was seized. In the said car the police found certain licences issued by the District Magistrate, Tarantaran, State of Punjab. The police thereafter contacted their counterpart in the State of Punjab and the District Magistrate, Tarantaran in-turn informed in writing, that the said Authorities have not issued any such licences in the name of the persons mentioned in the said report. During the course of interrogation of the said Nidhansing, he further divulged that he has supplied licences and fire arms to 25 more persons in the city of Thane and Mumbai. The name of the present applicant is at serial no.7 in the report submitted by the police to the concerned Authorities and also to the J.M.F.C., Thane in the present crime. The allegation against the applicant is that, the applicant procured the fake,

fabricated and forged arm licences purchased a revolver and 25 cartridges from the said Nidhansing Santokhsing the accused no.1.

3 Mr. Desai, the learned Counsel for the applicant submitted that the co-accused Rajeshkumar Nagda has been released on anticipatory bail by the Trial Court and therefore though he was deserving the parity, the Trial Court by its order dated 7.11.2015 rejected his application. He further submitted that as of today the chargesheet with respect to the other accused persons have already been filed. He submitted that the said licences and fire arms along with cartridges have been taken into custody by the police and therefore there is no necessity to have custodial interrogation of the applicant as of today.

4 The learned APP submitted that, the present applicant had sought protection of pre-arrest bail from the Trial Court, only to surrender before the J.M.F.C., on 23.11.2015 and therefore the present application is not maintainable. She further submitted that, the present offence is very serious in nature as the applicant with full knowledge procured a fake arms licence and possessed illegal arms with ammunition. She therefore prayed that the present application may be rejected.

5 A perusal of the first information report reveals that the network in the crime has been spread in different parts of the State of

Maharashtra and Punjab and therefore it is necessary for the police to unearth the entire truth behind the crime. It is also necessary to know whether the applicant is having any other weapon illegally purchased and/or kept in his possession on the basis of any other forged, fake and fabricated documents. The applicant though is a citizen of Mumbai, has unlawfully procured and kept in possession the fire arms on the basis of forged, fake and fabricated licences allegedly issued by an Authority from the State of Punjab. This being a serious crime and police must be given a free hand in investigation. As far as parity as claimed by the applicant is concerned, prima facie I am of the opinion that the Trial Court without taking into consideration the gravity of the offence has granted anticipatory bail to the co-accused Rajeshkumar and it is for the State of Maharashtra to consider to file application for cancellation of bail of the said accused.

6 May as it may, after taking into consideration the gravity of the offence and the serious allegations against the applicant, I am not inclined to grant protection of pre-arrest bail to the applicant and the application is accordingly rejected.

(A.S. GADKARI,J.)

