

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2199 OF 2015

|                          |     |            |
|--------------------------|-----|------------|
| Tukaram Pundalik Gaikwad | ... | Applicant  |
| Vs.                      |     |            |
| The State of Maharashtra | ... | Respondent |

Mr. V.V. Purwant, Adv. for the applicant.

Mrs. Veera Shinde, APP for the State.

Mr. Sarjerao B. Gaikwad, PI Barshi City Police Station present.

**CORAM : SMT ANUJA PRABHUDESSAI, J.**

**DATE : 4<sup>th</sup> January, 2016.**

**P.C. :**

1. This is an application for bail filed by the aforesaid applicant who is arrested in Crime No.126 of 2015 registered with Barshi City Police Station for the offences punishable under Section 286 of the IPC and under Section 3 of the Indian Explosive Act, 1908.

2. Heard Mr. Purwant, the learned counsel for the applicant and Mrs. Shinde, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prima facie reveal that the Police Head Constable Shri Shriniwas P. Dasari attached to Barshi City Police Station had lodged FIR dated 15<sup>th</sup> October, 2015 alleging that on 13<sup>th</sup> October, 2015 he had received a information that a car

was parked near Somani Bungalow in suspicious manner. He along with constable and panchas proceeded to the place of incident and inspected the car and found that there was a polythene bag on the rear seat of the car which contained six bundles of detonators. The enquiry revealed that the said Maruti car was parked at said place for two days. The complainant thereafter seized the said car under panchnama. The enquiries with the RTO revealed that the car belongs to the applicant herein. The applicant was therefore taken in custody on 15<sup>th</sup> October, 2015 and the aforesaid crime was registered against him for committing offence under Section 286 of IPC and under Section 3 of the Indian Explosive Act, 1908.

3. The offence under Section 286 is bailable and punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to Rs.1,000/- or with both. Whereas Section 3 of the Indian Explosive Act, 1908 prescribes punishment for causing explosion unlawfully and maliciously by means of any explosive substance likely to endanger life or to cause serious injury to property. In the instant case it is not the case of the prosecution that the applicant had caused such explosion. The allegations are that the applicant was found to be in possession of

explosive substance. It may be mentioned that mere recovery of explosive substance would not *per se* attract the provisions under the explosive Act. In the instant case, there is no prima facie material to show that there were any circumstances to give rise to reasonable suspicion to or believe that the applicant was in possession of the said explosive substances for any unlawful purpose.

4. Considering the above facts and circumstances, the applicant is entitled for bail. Hence the application is allowed on the following terms and conditions.

- (i) The Applicant shall be released on bail on furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount to the satisfaction of the JMFC, Barshi.
- (ii) The Applicant shall not leave Solapur District till filing of the chargesheet without prior permission of the JMFC, Barshi.

( ANUJA PRABHUDESSAI, J. )