

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD**

CRIMINAL APPLICATION NO. 3363 OF 2017

Shaikh Kayamuddin s/o Kutubuddin ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. Shaikh M.A.Jahagirdar, advocate for the
applicant

Mr. A.A.Jagatkar, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 4th AUGUST, 2017

O R D E R :

Heard Mr. Jahagirdar, learned counsel for the applicant and Mr. Jagatkar, learned A.P.P. for the respondent.

2. It transpired from the first information report that on 20.5.2017 at about 00.20 hours at Nagar-Bhingar road near Burhannagar Phata, Ahmednagar when the complainant and other police staff were on patrolling duty, they received information that one Madhav @ Bhau Vitthal Dhadge was selling country made pistol illegally. They went to the spot. On seeing them, one person

started running. They caught accused Madhav @ Bhau. He was possessing country made pistol and two live cartridges worth Rs. 30,000/-. It is further alleged that another accused Madhav had purchased this weapon from the present applicant.

3. I have perused the papers of investigation. On perusal of the same, it appears that the investigating officer received this information from the co-accused. The statement of co-accused cannot be used against the present applicant. There is absolutely no evidence against the present applicant that he was selling weapons or he has sold the weapon to another accused Madhav. In view of above, the applicant can be protected from his arrest.

4. Hence, the following order.

(i) Criminal Application is allowed.

(ii) In the event of his arrest, the applicant shall be released on bail in connection with Crime No. 34 of 2017, registered with Bhingar police station, District Ahmednagar, on his furnishing P.R. bond of Rs. 10,000/- with one solvent surety

in the like amount.

(iii) Applicant shall attend the concerned police station once in a week i.e. on Monday between 10.00 a.m. to 12.00 noon till filing of charge sheet and to cooperate with the investigating officer for further investigation.

5. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm