

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 63 OF 2017

Mayur @ Bunty Namdeo Tekale	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal G. Sarda, Advocate for the applicant.
Mr. Rajan Salvi, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **14th February, 2017.**

P.C.:

This Application is moved by the applicant/accused for bail, as he is facing prosecution for the offences punishable under sections 399, 402 of the Indian Penal Code, under section 135 of Maharashtra Police Act and under section 3(25), 4(25) of Arms Act in C.R. No. 306 of 2016. The offence is registered at the instance of one Shankar Vitthal, Police Havaldar, Buckle No. 601, whose statement was recorded on 14th September, 2016.

2. It is the case of the prosecution that the police patrolling at Talegaon Dabhade received secret information that some people are coming in Tata Sumo jeep and Fiat Linea car to loot I.B.P. petrol pump. Thereafter the police laid trap and found that the numbers of the jeep and fiat car which were received by the police, were proceeding towards the petrol pump. At that time, the police stopped the vehicles and surrounded them. Two persons ran away, however, the police could nab 8 persons from jeep and

four persons from fiat car. Thus, total 12 persons were apprehended by the police. On personal search of all these persons including the applicant/accused, they recovered weapons. It is the case of the prosecution that applicant/accused was driving fiat car and on his personal search, police could recover one country made pistol with 5 live cartridges, one sickle and two SIM Cards. Therefore, the applicant was taken in custody. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that as per the case of the prosecution, the applicant/accused was found with weapons. He is in prison since then. He further submitted that 6 cases are registered against the applicant/accused, out of which, one case is under sections 399 and 402, which was registered after the arrest of applicant/accused. He further submitted that the cases pending are of the years 2003, 2013 and 2014. Except the one case under section 326, all other cases are of bailable offence. The learned counsel submitted that if the applicant/accused is released on bail, he will abide by the terms and conditions whichever imposed by this Court.

4. Learned APP opposed this Bail Application and submitted that the applicant/accused was caught red handed and weapons were recovered from him. He submitted that it was revealed by the police that the applicant/accused and co-accused wanted to meet the Court expenses for

their previous offence. He submitted that charge sheet is filed.

5. Perused the FIR. It is the case under sections 399 and 402 of the Indian Penal Code and also under the Arms Act. The applicant/accused was apprehended by the police on the spot and a country made pistol was recovered from him. It is submitted by the learned counsel for the applicant/accused that Aditya Ganesh Bhegde, Shankar Bhalke, Ahmed Shaikh, Rohan Garud, Ajinkya Sarode, who were also found with the weapons, are released on bail. Though 6 cases are registered against the applicant/accused, one case was registered after his arrest. Except the case under section 326, in all other cases, the offences are bailable. In view of this, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.40,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not keep any association with the co-accused;
- (iv) The applicant shall attend all the Court dates;
- (v) The applicant shall not possess any weapon especially under Indian Arms Act;

- (vi) The applicant shall not commit any criminal activity of any nature;
 - (vii) The applicant shall not abscond or leave India without prior permission of the trial Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address;
 - (viii) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.
6. The Application for bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)