

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.623/2017

Sheikh Haji Sheikh Sarvar ..vs.. State of Maharashtra thr. PSO P.S.
Ramnagar, Chandrapur.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.
Mr. R. S. Nayak, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 31, 2017

This is an application for pre-arrest bail. Though, it is coming for the first time, the learned A.P.P. has filed his reply on the basis of the instructions of the investigating officer.

The FIR in which the present applicant is apprehending his arrest is Crime No.1256/2017, registered with Police Station, Ram Nagar, Chandrapur for an offence punishable under Sections 3 and 25 of the Arms Act. The FIR is lodged by Police Sub Inspector Rahul Bondre. As per the FIR, when he was patrolling, he got a secret information from the informant that one person is moving in the society with firearm with him. The said person was accosted in the vicinity of railway station. He was apprehended. He disclosed his identity as Rahul Dangore. On being searched, a country made pistol and one live cartridge was found. He was arrested and an offence is registered against him. As per the

reply filed on behalf of the prosecution, during the course of interrogation, the said Rahul disclosed that the said weapon was brought in Chandrapur for handing over the same to the present applicant. Except this statement of the co-accused, there is no other material. The learned A.P.P. pointed out that the applicant is a history-sheeter and there are about 21 offences. Some of them are serious in nature. However, the learned counsel for the applicant has countered this statement by pointing out the certified copies of the judgments and orders of acquittal passed by the competent Court. The applicant is already acquitted by the court of law.

Personal liberty of the applicant cannot be curtailed only on the basis of the statement of co-accused. However, since the investigating officer wishes to interrogate the applicant since he has got a lead from the interrogation of the co-accused, interest of the prosecution can be secured by putting certain conditions on the applicant. Hence, following order is passed.

ORDER

- (i) Criminal Application No.623/2017 is allowed.
- (ii) The applicant-Sheikh Haji Sheikh Sarvar be released on bail in connection with Crime No.1256/2017 registered with Police Station, Ram Nagar, Chandrapur for an offence punishable under Sections 3 and 25 of the Arms Act, on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) The applicant shall attend Police Station, Ram Nagar, Chandrapur on 04.09.2017, 05.09.2017, 06.09.2017 and 07.09.2017 and shall be with the investigating officer between 11.00 a.m. to 5.00 p.m. and shall cooperate with the investigating officer.

The application is disposed of.

JUDGE

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