

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

CRIMINAL APPLICATION (ABA) NO.820/2016

Shriniwas S/o Anjaiyya Viyanwar

..Vs..

The State of Maharashtra, through P.S.O. Old Kamptee, Distt. Nagpur

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

Court's or Judge's orders

Shri M.G. Katekar, Adv. for the applicant.
Shri T.A. Mirza, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 4.7.2017.

Heard.

The applicant, apprehending arrest in connection with crime registered by the non-applicant for the offence punishable under Sections 255, 420, 465, 468, 471 and 473 of the Indian Penal Code and Section 3/25 of the Arms Act, has sought pre-arrest bail.

The accusations against the applicant are that a pistol and ten live cartridges are seized from the applicant's house and a notice was served on the applicant to submit the license for holding pistol in response to which the applicant submitted a photocopy of license issued by the office of District Magistrate, Gorakhpur in 1998 and renewed in 2007, 2009, 2012 and 2015, however, after correspondence, the office of District Magistrate, Gorakhpur informed that the license

in question is not issued or renewed by that office. It is alleged that the applicant applied on 9th February, 2016 seeking transfer and registration of the license with the office of Commissioner of Police, Nagpur (City) and got it transferred on 3rd May, 2016 but when the matter was taken up with the District Magistrate, Gorakhpur it was found that no objection certificate alleged to have been issued by the District Magistrate, Gorakhpur and produced by the applicant, on the basis of which the license was transferred and registered with the Commissioner of Police, Nagpur, is forged.

Copy of order passed by the Allahabad High Court in Writ-C No.31525/2016 on 14th July, 2016 is placed on record alongwith application at page No.56 which shows that the present applicant had filed petition before Allahabad High Court in which the order is passed directing the Authorities to process the application of the applicant for grant of duplicate license within two months from the production of the copy of the order. The learned Advocate for the applicant has stated that the Authorities have not taken any steps in the matter.

Be that as it may, it is undisputed that pistol in question is seized by the non-applicant. This Court has granted interim protection to the applicant by the order passed on 14th December, 2016 with condition that the applicant shall attend the police station and co-operate with the investigating agency. The non-applicant has not complained that the applicant is not co-operating with the investigating agency. The non-applicant has not

been able to point out that custody of the applicant is required for further investigation.

Considering the facts of the case, the order passed by this Court on 14th December, 2016 granting protection to the applicant is confirmed. The application is **allowed** accordingly.

JUDGE

Tambaskar.