

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1290 OF 2018

Pradeep Kumar S/o. Shri Omprakash
Sagwan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Ghansham S. Jadhav for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 29th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.271 of 2018 registered at Deccan Police Station, District-Pune, for offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 and Sections 25, 3(25) of the Arms Act.

2. Heard Mr. Ghansham Jadhav, learned counsel for the Applicant and Mr. S.R. Agarkar, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Rahul Kolambikar, PSI attached to Deccan Police Station, Pune. The first information report prima facie reveals that on 2.9.2017 one 0.32 revolver MK 3 No. NFOG 77383 worth Rs.90,000/- was found in possession of one Sagar Balwadkar. The first informant had alleged that the said revolver was purchased from M/s. Malwa Bندوق Ghar, Arms and Ammunition Dealer, Dewas, Madhya Pradesh. He had also produced the arms license No. 2186, MON with UIN No.2139200335673567352017. Said license appeared to be fake and fabricated and same was seized. In the course of investigation, it was revealed that said Sagar Vijay Balvadkar had obtained the said revolver and license from the present Applicant. It was further revealed that the Applicant was also in possession of a pistol and similar license bearing No.168/DMR which was obtained from District Collector, Zunoboto, Nagaland. A letter was addressed to the office of Deputy Collector, Nagaland to verify whether the said licenses were issued from the said office. By letter dated 16.10.2017 the Extra Assistant Commissioner, Office of the Deputy Commissioner, Zunheboto, Nagaland, informed the Senior Police Inspector, Deccan Police Station, Pune, that no records were available in the office regarding issuance of license in the name of Sagar Balwadkar and the Applicant herein.

4. It is to be noted that the Applicant has placed on record copy of the NOC dated 6th July, 2017. A perusal of the said copy of the NOC, which is at page 37 states that the arms License No.168/DMR was issued in favour of the Applicant and that said license is genuine. It was further stated that the office of District Magistrate, Zunheboto, Nagaland had no objection for registration of arms license.

5. The learned APP has stated that since letters dated 6th July, 2017 and 10th October, 2017 were inconsistent and contrary to the letter dated 16th October, 2017, the investigating agency has sought time to investigate as to the genuineness of the said letter. The learned APP has placed on record copy of the letter dated 6th October, 2018, received from Deputy Commissioner, Zunheboto, Nagaland, which reads as under:-

- “ 1. Letter No.ZBTO/ARMS/7016-17dated Zbto the 10th Oct' 2017 was not issued from this office.
2. Letter No.ARMS-10(B)/2006-07/722 Zbto dated 16th Oct' 2017 was issued from this office and the content of the letter is true.
3. Letter No.ZBTO/ARMS-6301-17 dated Zbto the 6th July'2017 was not issued from this office.”

6. It is thus evident that the Applicant has placed on record forged and fabricated document to secure the bail order. This conduct itself would not justify grant of bail. Considering the conduct of the Applicant and also the fact that he is a resident of Madhya Pradesh, this is not a fit case for grant of bail. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)