

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

BAIL APPLICATION NO. 2607 OF 2018

Ajay Ashok DevkarApplicant

V/s.

The State of MaharashtraRespondent

Mr. G.T. Kanchanpurkar for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 09th OCTOBER, 2018.

P.C.:

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.1042/2018 registered Hadapsar Police Station, District Pune for offences punishable under sections 3, 25, 27 of the Arms Act, 1959 and Section 37(1) r/w. 135 of Maharashtra Police Act.

2. Heard Mr. G.T. Kanchanpurkar, learned counsel for the applicant and Mr. S.S. Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by the Police Constable – Daud Chotemiyan Sayyed attached to Hadapsar Police Station. The case of the prosecution is that the first informant and the other patrolling staff had received an information that one unknown person who was at Agarwal Pan shop was possessing a pistol. The first informant reported the matter to the Senior Police Inspector and upon instructions, he apprehended the said person whose name was disclosed as Sandeep Dhotre. During the search, one country made pistol and six cartridges were recovered from possession of Sandeep Dhotre. In the course of investigation, it was revealed that the co-accused/Gokul Mohite with the help of the present applicant had sold a pistol to the co-accused/Shubham Kamble. The applicant and other co-accused were, therefore, placed under arrest on 12/09/2018.

4. Mr. S.S. Pednekar, learned APP submits that the interrogation and investigation as regards this applicant is concerned, is concluded. Furthermore, the co-accused/Sandeep Dhotre who was possessing the said pistol has been released on bail. Learned APP also submits that the applicant has no criminal antecedents. The applicant is a permanent resident of Hadapsar, Pune and there is no possibility of the

applicant absconding and/or thwarting the course of justice. Considering the above facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the Application is allowed on following terms and conditions :-

- (a) The applicant who is arrested in C.R.No.1042/2018 registered Hadapsar Police Station, District Pune is ordered to be released on bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with one or two solvent sureties in the like amount.
- (b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.
- (c) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.
- (d) The applicant shall not interfere with the witnesses in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)