

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

CRIMINAL BAIL APPLICATION NO.1263 OF 2019

Sanjay Bapurao Umadi

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Ritesh Thobde a/w Mr.Sagar Tambe, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.Sachin Bankar, Solapur City Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 15th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.41/19 registered with Vijapur Naka Police Station, Solapur, under sections 3, 4, 5 r/w 25 of the Indian Arms Act.
2. The FIR is lodged on 19/01/2019 by Police Constable Shankar Laxman Mule. He has stated in his FIR that while they were on patrolling duty they received secret information that

one person was roaming in the area carrying arms and firearms. Pursuant to the information they went to a garden near Old Vijapur Naka. They saw the present Applicant moving around in suspicious circumstances. The police party apprehended him at about 04.30 p.m. On his search it was found that he was carrying two countrymade firearms, two live cartridges, one empty and one live cartridge. He was also found to carry two other weapons. Based on these allegations the FIR is lodged. The Applicant was arrested immediately on 19/01/2019. Since then he is in custody.

3. Investigation in this case is over and the charge-sheet is filed. The charge-sheet contains the seizure Panchanama and statements of other witnesses who were in the police party. These witnesses have supported the version of the first informant.

4. Heard learned Counsel Mr.Mr.Ritesh Thobde for the Applicant and learned APP Ms.S.S. Kaushik for the State.

5. Mr.Thobde submitted that the Applicant had not committed any offence and he was arrested on suspicion. He further submitted that in any case, the investigation is over and charge-sheet is already filed.
6. As against these submissions the learned APP pointed out that apart from this offence there are four other offences registered against him. They are in the nature of offences under section 379 of IPC. However, none of these offences is under the Indian Arms Act.
7. I have considered these submissions. The maximum punishment provided in the sections applied in this case is three years. The Applicant is already in custody since January 2019. The investigation is over. The investigation does not point out the purpose for which the Applicant was carrying these weapons. The offence is restricted to possession of these weapons. Therefore no purpose will be served by keeping the

Applicant in custody. However, taking into account the fact that swords and firearms were recovered from the Applicant, necessary conditions will have to be imposed on him. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail in connection with C.R.No.41/19 registered with Vijapur Naka Police Station, Solapur on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall report to the concerned Police Station on every alternate day between 03.00 to 05.00 p.m. for a period of six months and thereafter once a week till the conclusion of the trial.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)