

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.71 OF 2019

Sahil Ali Mohammad Ali Khan] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Mahendra Kawchale, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 31st JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.3399/2013 registered with Hadapsar Police Station, Pune u/sec.37 (1) (3) r/w 135 of the Maharashtra Police Act and Section 3 r/w 25 (1) (b) (a) of the Indian Arms Act.

2. The FIR is lodged on 27/11/2013 by Police Constable Bharat Ransingh. He has stated that, on prior information they kept watch at Gondhale Nagar, Hadapsar and apprehended one suspect. His name was Aashutosh Butte. On his search, he was found to possess one pistol and two live cartridges. He was arrested. On inquiry with him,

he informed that, he had procured four pistols from Madhya Pradesh. He had sold three pistols to one Khan at Goa. It is the case of the prosecution that, the said Khan was the present applicant, though the FIR does not reveal his full name. There is a statement of witness Amit Kadu who was friend of Aashutosh Butte. He has mentioned that, the name of that person Khan was Sahil Ali Mohammad Ali Khan. Thus, the prosecution is alleging that, the present applicant had purchased three pistols from the main accused Aashutosh Butte.

3. In the meantime, the trial proceeded against the accused Aashutosh Butte and he was acquitted from the charges framed against him. The present applicant could not be arrested and he was not available. By the last order, this court had directed him to attend the police station. Accordingly, he has attended the police station.

4. Considering the fact that, the main accused who was apprehended and on whose information the present applicant is said to be arrested, himself is acquitted, the applicant has made out a case for his protection from arrest. The applicant can be directed to attend the concerned police station to secure his presence. In this view of the matter, following order is passed.

ORDER

1. In the event of his arrest in connection with C.R.No.3399/2013 registered with Hadapsar Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend the concerned police station on first Sunday of every month between 3.00 p.m. to 5.00 p.m.
3. If the applicant makes any default in attending the police station as mentioned above, the State of Maharashtra is at liberty to make an application for cancellation of this order.
4. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)