IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.676 OF 2019
Mukesh s/o Durgasingh Thakur .Vs. State of Maharashtra, PSO, P.S. Washim (City), Tah. and Dist. Washim.

Office Notes, Office Memoramda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Mr. A.M. Jaltare, Advocate for applicant.
Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 05, 2019

Heard Mr. Jaltare, learned counsel for the applicant and Mr. Khan, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the prosecuting agency.

Applicant is apprehending his arrest in connection with Crime No.427/2019 registered with Police Station, Washim (City), Dist. Washim for an offence punishable under Sections 4 and 25 of the Arms Act read with Section 135 of the Maharashtra Police Act.

From the documents filed on record along with pursis stamp No.5292/2019 by the applicant which are in the nature of the certified copies of the change report proceedings in the office of learned Assistant Charity Commissioner, Washim Region, Washim. The applicant is President of the "*Jai Bajarang Krida Vyayam Prasarak Va Bahuuddeshiya Sanstha, Washim*"

According to the prosecution case the police officials have received a secret information that the applicant has stored swords, knife, axe etc. in his house without licence therefore raid was made on his house. According to the prosecution case, that time one person who according to prosecution is the present applicant ran away from the spot by jumping from the first floor. The reply would show that when search was made of the house of the applicant six swords, one knife, one axe were found in the house of the applicant.

Even according to the prosecution case those are already seized and are in possession of the prosecuting agency.

In the reply though it is stated that the applicant was having five criminal cases at his discredit, the applicant is acquitted in all cases.

The applicant was protected by this Court on 04.10.2019 with a direction that he shall attend police station from 09.10.2019 till 15.10.2019 and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. The learned counsel for the applicant would submit that accordingly the applicant has attended the police station.

The attendance of the applicant in the police station is not at all disputed by the learned Additional Public Prosecutor for the State on the basis instructions given to him by the investigating officer. He also made a submission that the applicant was interrogated and his statement is also recorded.

The Schedule-I shows that 110 swords and 25 spheres etc. were the property of the "*Jai Bajarang Krida Vyayam Prasarak Va Bahuuddeshiya Sanstha, Washim"* and those are mentioned in the Schedule-I.

The learned Judge of the trial Court in my view has committed a mistake in not granting anticipatory bail on the ground that the applicant is having habit of keeping dangerous weapons in his house. Although it has observed by the learned Judge himself that the applicant is already acquitted from the charge under Sections 4 and 25 of the Arms Act in that view of the matter those observations were not relevant for considering the application for anticipatory bail.

Since, the applicant has already attended the police station and he has interrogated and the *muddemal* already in possession of the prosecuting agency, the application can be considered favourably. Consequently, I pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.427/2019 registered with Police Station, Washim (City), Dist. Washim for an offence punishable under Sections 4 and 25 of the Arms Act read with Section 135 of the Maharashtra Police Act, applicant -Mukesh s/o Durgasingh Thakur, be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend Police Station, Washim (City), Dist. Washim once in a week i.e. on Sunday of every week and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m., till filing of the charge-sheet.

(iv) After filing of the charge-sheet, the applicant shall attend Police Station, Washim (City), Dist. Washim as and when required by the investigating officer, however for that the investigating officer shall give clear cut two days prior written communication to the applicant.

With this, the criminal application is allowed and disposed of.

JUDGE

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