

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**914 ANTICIPATORY BAIL APPLICATION NO.1248 OF 2022**

NIKHIL SURESH RAJPUT  
VERSUS  
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Suvidh S. Kulkarni h/f  
Mr. Deshmukh Bhausaheb Sadashivrao.  
APP for Respondent-State : Mr. V. M. Kagne.  
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**CORAM : S. G. MEHARE, J.**

**DATE : 04.10.2022**

**PER COURT :-**

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant has a bad past for having around 16 crimes to his discredit. However, the learned counsel for the applicant would submit that since many crimes have been registered against him, the police wanted to rope him in one more crime on the statement of co-accused. The applicant was not present on the spot of the incident. The co-accused had no reason to tell the police that the applicant possess a pistol. At no point of time, any serious allegations were levelled against the applicant.

3. It is an admitted fact that the applicant was not on the spot of the incident and he was also not named in the FIR.

4. Learned APP has strongly opposed the application contending that the co-accused has given a statement that one pistol is lying with the applicant. He involved in a gang war. He is absconding from one MCOC case. The applicant is repeatedly involved in the crime. Hence, his custodial interrogation is essential.

5. The Court has to deal with the case based upon the facts and allegations levelled in each case. The applicant admittedly has no good past. But considering the FIR of the present case, the applicant was not named in the FIR. However, the co-accused had given some statement against the applicant contending that he possess a pistol. This may not be sufficient material to involve the applicant in such a serious crime. In view of the facts of the case, the applicant may be released on anticipatory bail on some stringent conditions. Hence, the following order :

### **ORDER**

- (i) The application is allowed.

- (ii) The interim protection granted to the applicant by the order dated 19.09.2022 stands confirmed on the same terms and conditions with an additional condition to attend the Police Station on every Monday and Tuesday between 10.00 a.m. to 1.00 p.m. till filing of the charge-sheet in this crime.

**(S. G. MEHARE, J.)**

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vmk/-