

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1822 OF 2022

SURAJ VISHNU SALUNKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Girish L. Awale
APP for Respondent : Mr. S. B. Narwade
...

CORAM : S. G. MEHARE, J.

DATE : 24-11-2022

PER COURT :-

1. Leave granted to place on record last order rejecting the bail by the learned Sessions Court.
2. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
3. On secret information the police laid the red and found one country made pistol in the custody and the possession of the accused. They were apprehended red handed. They disclosed the name of the applicant. They told the police that, those pistols were purchased on the say of the applicant from another co-accused, who is absconding. The applicant was immediately arrested from one lodge. He has undergone police custody, but nothing incriminating has been recovered from him. The learned

counsel for the applicant would submit that the applicant has given his car in good faith to one of the co-accused. All the accused had party in the said lodge, but the applicant has no concern with the alleged pistols. The applicant is 30 years old, having no antecedents to his discredit. He is agriculturist. Considering the facts and role attributed to the applicant, he may be released on bail.

4. The learned A.P.P. has strongly opposed the application. He has raised objection that the co-accused who were arrested have immediately disclosed the name of the applicant. On disclosure of his name, the applicant was apprehended from the place which was narrated by other co-accused. The other co-accused from whom country made pistol was recovered, is absconding. The vehicle in which the other co-accused were travelling was owned by the applicant. There is strong circumstantial evidence against the applicant. The applicant was apparently involved in the serious crime. Hence, the applicant may not be granted bail.

5. The sole allegation against the applicant is that the vehicle in which other co-accused were travelling was owned by him. He was immediately apprehended, but nothing incriminating has been recovered from him. The abscondance of another co-accused may not be a ground to deny the bail. The prosecution has no evidence about who had booked the said lodge. There are no antecedents

to the discredit of the applicant. Considering these circumstances, no harm would cause to the prosecution, if the applicant is released on bail on certain conditions. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Suraj s/o. Vishnu Salunke be released on bail, on furnishing PB and SB of Rs.15,000/- with one solvent surety of the like amount, in C.R.No. 336 of 2022 registered with Chopada Police Station, Taluka Chopada, District Jalgaon, for the offence punishable under Sections 3/25, 7/25 of the Arms Act read with Section 34 of the Indian Penal Code, on the conditions that;
 - (a) He shall not involve in the similar offence;
 - (b) He shall not tamper with the prosecution witnesses;
 - (c) He shall not assist the absconding accused to remain abscond;
 - (d) He shall attend the trial on every effective date.

(S. G. MEHARE)
JUDGE

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