

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 743 OF 2022

Vaibhav Dnyaneshwar Phasalkar ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. P. G. Chavan, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent/State.

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CORAM : C.V. BHADANG, J.
DATE : 21 MARCH 2022

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.28/2022 of Police Station Pandharpur City, Solapur (Rural), under Section 3, 7 and 25 of the Indian Arms Act, is seeking anticipatory bail. The aforesaid crime is registered on the basis of the complaint dated 15 January 2022 lodged by Police Constable Shahaji Dattatray Mandale.

2. The prosecution case is that on a prior information about the co-accused Ajay Khade being in possession / custody of an illegal firearm, near Gopalpur Road, Simolangan Riddhi Siddhi Ganapati Mandir, co-accused Ajay Khade was searched and found

in possession of a country made pistol. During the course of interrogation co-accused Ajay Khade, it was revealed that the Applicant had given the said firearm in possession of Ajay Khade.

3. Heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant submitted that the firearm has already been recovered. The co-accused Ajay Khade was arrested and is released on regular bail. He submitted that the Applicant cannot be proceeded against on the basis of the statement of the co-accused.

5. Learned APP has pointed out that apart from the present case, there are three other criminal cases registered against the Applicant at Police Station Pandarpur City, namely (i) Crime No.13/2016, (ii) Crime No.47/2013 and (iii) Crime No.129/2020.

6. The learned counsel for the Applicant submitted that the Applicant has been acquitted from the offence in Crime No. 13/2016 and 47/2013. In so far as Crime No.129/2020 is concerned, it is submitted that the Applicant has been made co-accused in the said case on similar allegations and on statement made by the co-accused.

7. I have considered the circumstances and the submissions made.

8. As noticed earlier, Accused Ajay Khade who was found in possession / custody of the illegal firearm has already been arrested and released on bail. The firearm has also been recovered. It can be seen that the name of the Applicant was disclosed during the course of interrogation of the co-accused. In so far as criminal antecedents are concerned, it is shown that in two out of the three offences, the Applicant has been acquitted.

9. Considering the over all circumstances, the following order is passed.

ORDER

(i) In the event of his arrest, in connection with investigation of Crime No.28/2022 of Police Station Pandharpur City, Solapur (Rural), the Applicant Vaibhav Dnyaneshwar Phasalkar, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The Applicant shall report to the Investigating Officer on 28/3/2022 and 29/3/2022 between 11.00 a.m. to 1.00 p.m. and as and when

required and shall cooperate with the Investigating Agency.

(iii) The Criminal Application is disposed of, in the aforesaid terms.

(C.V. BHADANG, J.)