

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

942 BAIL APPLICATION NO.1767 OF 2023

**PRAMOD RAOSAHEB GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Wakale Vijay Shivaji
APP for Respondent : Mr. K.S Patil

...

**with
BA/1701/2023**

**KHANDESHWAR RAMESH THOMBAL AND
AKASH BALASAHEB CHOUDHARY
VERSUS
THE STATE OF MAHARASHTRA.**

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Mr. M.A. Dond advocate for applicants.
Mr. K.S. Patil APP for respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 13, 2023**

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PER COURT :-

1. The applicants in both these applications seek regular bail in connection with Crime No.0723 of 2023 registered with Newasa police station, District Ahmednagar for the offences punishable under sections 3,7, 25 of Arms Act.

2. Investigation was set in motion on the basis of the complaint given by Dnyaneshwar Namdeo Shinde, who is a police officer deputed at Local Crime Branch, Ahmednagar. He states that on receipt of secret information, a trap was arranged at Newasa to Newasa Phata Road. Accused persons

were going in a Scorpio Jeep. They were nabbed. On search of vehicle, it was found that a fire arm, gold and silver articles were carried in the vehicle. Accordingly, seizure panchnama was recorded. Accused persons were arrested. Investigation progressed. Finally, charge-sheet came to be filed against in all three accused persons.

3. Learned advocates appearing for the applicant/s would submit that the applicants have been arrested immediately on the day of registration of the crime. Investigation in the matter is complete. Charge-sheet is filed. It is submitted that in fact, there is no recovery from the applicants. Applicants are arrested while they were travelling in vehicle. They are unconcern with seized articles. They are being falsely implicated. Offences alleged against the applicants are punishable under sections 3, 25 and 7 of the Arms Act having punishment up to 5 years. In that view of the matter, they seek release of the applicants on bail.

4. Learned A.P.P. strongly opposes the application. He submit that the applicants were found alongwith a fire arm i.e. Pistol and other incriminating articles. No explanation is tendered by them regarding possession of unauthorized fire arm. Possibility of recurrence of similar offence cannot be ruled out.

5. Having considered the submissions advanced, it is apparent that investigation in the matter is complete and charge-sheet is filed. Except the offences under Arms Act, no other allegations is made against the applicant. The fire arm is

already recovered. No criminal antecedents are brought to the notice of this Court. Further detention of the applicants may not be necessary. Only on the basis of suspicion that they might be involved in some other offences, further detention of the applicants is not necessary. Hence, case is made out for grant of bail. Hence, the order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - Pramod Raosaheb Gaikwad in BA No.1767 of 2023 and the applicant no.1 Khandeshwar Ramesh Thombal and no.2 - Akash Balasaheb Choudhary in BA No.1701 of 2023 be released on bail in connection with Crime No.0723 of 2023 registered with Newasa police station, Tq. Newasa, District Ahmednagar for the offences punishable under sections 3/25, 7 of Arms Act on their furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand) EACH, on the following conditions :-
 - a] The applicants shall not tamper the prosecution evidence.
 - b] The applicants shall not indulge in similar offences.
 - c] The applicants shall attend each and every effective date before the trial court.

- iii. Bail applications are accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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