

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1680 OF 2023**

Bhushan Ganapat More

@ Raja More

...Applicant

vs.

State of Maharashtra

...Respondent

Ms. Roohita Shaikh with Mr. Anil Nile i/b Mr. Javed V. Shaikh for the Applicant.

Mr. S. R. Agarkar APP for the Respondent-State.

Mr. Krishna Kokani, PI, Thane Crime Branch present.

CORAM : S. M. MODAK, J.

DATED : 26TH JUNE 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Even though the Investigating Officer is not present, some officer from the Crime Branch Unit-1, Thane is present. He has brought certain papers. One person by name Sunny Ramkhiladi Singh came to be arrested on 5th April 2023. He was found in possession of country made pistol. He was produced before the concerned Court of Judicial Magistrate, First Class, Thane. The offence is registered with Mumbra police station, Thane for the

offence punishable under sections 3 and 25 of the Arms Act and under section 37(1), 135 of Maharashtra Police Act, 1951. He was granted police custody.

3. There are remand reports dated 6th April 2023 (page 22) and 11th April 2023 (page 16). There is reference that said arrested accused Sunny Singh has bought the country made pistol from this Applicant. That's why he apprehended arrest and initially approached the Sessions Court and went unsuccessful in this Court.

4. The pistol was seized during personal search and not during memorandum. It is case of the prosecution that whatever is disclosed by the arrested accused, was during interrogation and not by way of admissible evidence. It is true that certain facts disclosed during interrogation though not admissible, can certainly give some link to the investigation. The present offence is of such kind.

5. In normal circumstances, I could have granted anticipatory bail but I am not inclined to grant anticipatory bail. It is for the reason that there are six offences, earlier registered against this Applicant. One offence is under section 302 of IPC and two offences under sections 379 of IPC and in one offence provisions of MCOC Act are invoked. He is acquitted by the Additional Sessions Judge, Thane.

Its copy is produced.

6. Be that it may, it shows that the Applicant has violated the provisions of law and he is charge-sheeted. The report to that effect is taken on record. Point No.5 gives details of those offence.

7. There is submission made that the Applicant will cooperate with police but the police wants to know from where this pistol was brought. The custodial interrogation of the Applicant is required.

Hence, the Application is rejected.

8. These are my prima facie observations and the trial Court may not be influenced by that.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]