

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3329 OF 2022

X.Y.Z. ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. M. N. Sandhyanshiv for the Applicant.
Mr. Amit Palkar APP for the State.

CORAM : N.R. BORKAR, J.
DATE : 08.02.2023.

P.C. :

. This is an application under Section 439 of Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 71 of 2021 registered at Azad Nagar Police Station, Malegaon for the offence punishable under Section 3 r/w 25 of Arms Act and section 353 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

4. Pursuant to the order passed by this Court dated 23rd January, 2023 Senior Medical Officer, submitted a report dated 06th February, 2023. According to the said report the present applicant is tested positive for Human Immunodeficiency Virus (HIV).

5. The learned APP submits that the applicant is involved in five more crimes. However, the allegations against the applicant in the present case are in respect of offences punishable under the Arms Act only.

6. Considering the facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, following order is passed:

ORDER

- A) The Application is allowed.
- B) The applicant be released on bail in Crime No. 71 of 2021 registered at Azad Nagar Police Station, Malegaon for the offence punishable under Section 3 r/w 25 of Arms Act and section 353 of the Indian Penal Code. on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall attend the concerned Police Station once in a month i.e. on the first Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial and shall refrain from committing any other offence.
- D) The prosecution is at liberty to seek cancellation of the bail, if the aforesaid condition is breached.
- E) While uploading the order name of the applicant be masked.

[N.R. BORKAR, J.]