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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3460 OF 2022

Bandu N. Kave ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Dhanraj A. Lodha a/w. Mr. Ashish Verma for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 11.01.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 788 of 2021 registered at Bharati Vidyapeet Police Station, Pune for the offences punishable under Sections 302, 109, 115, 120-B read with 34 of the Indian Penal Code, Section 3 (25) (1-B)(a), 5 (27), 7(25) (1-AA), 8(2)(25)(1-B)(C), 9(1)(A)(i)(25)(1-B)(D) of the Arms Act and Section 37(1) read with 135 of Maharashtra Police Act.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. The allegation against the present applicant is that he sold the pistol to the co-accused who used the said pistol to commit the alleged crime of murder.

5. The only incriminating material against the present applicant is statement of witness Lakhan Katti. *Prima facie* from his statement, it is difficult to infer that pistol used by the co-accused for committing the alleged crime was the very same pistol which the present applicant had allegedly sold to the co-accused. The applicant is in jail for about one year. There are no other criminal antecedents. Considering these facts, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicant be released on bail in C.R. No. 788 of 2021 registered at Bharati Vidyapeet Police Station, Pune for the offences punishable under Sections 302, 109, 115, 120-B read with 34 of the Indian Penal Code, Section 3 (25) (1-B)(a), 5 (27), 7(25) (1-AA), 8(2)(25)(1-B)(C), 9(1)(A)(i)(25) (1-B)(D) of the Arms Act and Section 37(1) read with 135 of Maharashtra Police Act 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 first Saturday between 11.00 a.m. to 4.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]