



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

913 ANTICIPATORY BAIL APPLICATION NO. 550 OF 2024

Bhaiya @ Kayyumoddin Kutubuddin Shaikh

..APPLICANT

-VERSUS-

1. State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. N.B. Narwade

APP for Respondent/State: Ms.V.S. Chaudhari

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 9th July, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0111 of 2024 registered with M.I.D.C. Police Station, Ahmednagar, for the offences punishable under sections 3/25 and 7 of the Arms Act.
2. It is prosecution's case that the first informant police head constable received secret information that on Shendi Bypass road, the applicant and co-accused are selling country made pistol, without pass and permit. Therefore, on the basis of oral order, the informant along with other police staff and two panchas went to Shendi Bypass road in a government vehicle. At that time, they found that two persons were suspiciously standing there. After seeing the police those persons tried to flee away. The police had caught one person and other person ran away. When police took search of that person one pistol along with two magazines were found in his possession. When police inquired with

the said person, he stated that he has purchased the said pistol from the applicant.

3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The learned counsel further submitted that the alleged incident is shown to have happened on 03.02.2024 whereas another crime being Crime No.99 of 2024 of the same day is registered with Ahmednagar police station alleging the same incident. Time of the said F.I.R. is shown as 12 noon, whereas the time of the present crime is shown as 11.30 a.m. Both the F.I.Rs. have been registered against the applicant within a gap of 30 minutes. Custodial interrogation of the applicant is not required, hence requested to allow the application.

4. It is the contention of the learned APP that the applicant was selling fire arms. He has ran away from the incident spot. His custodial interrogation is required, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record.

6. It appears that on 3rd February, 2024, the police have registered two offences under section 3/25 of the Arms Act against the applicant. In the present crime, time of incident is shown as 11.30 a.m. to 12 noon and in crime no.99 of 2024, the time of incident is shown is around 12 noon. The spot of incidents have shown different. In both the incidents, it is mentioned that the police caught one person

whereas other person ran away from the incident spot. It is hard to believe that presence of applicant on the different spots at the same time. Considering all these aspects, custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0111 of 2024 registered with M.I.D.C. Police Station, Ahmednagar, for the offences punishable under sections 3/25 and 7 of the Arms Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]