



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 BAIL APPLICATION NO. 637 OF 2024

Rohit Divakar Waghmare

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondent/State : Mrs.Dipali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 23rd APRIL, 2024.

PER COURT :-

1. Leave to correct the name of father of applicant. Correction be carried out forthwith.
2. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0052 of 2024 registered with Chopda Gramin Police Station, Tq. Chopda, Dist.Jalgaon, for the offence punishable under sections 3 and 7 read with 25 of the Arms Act and under section 37(1)(3)/135 of the Bombay Police Act.
3. It is averred in the report that the applicant was arrested on suspicion. It was noticed that he was possessing the country made pistol. Accordingly he was arrested and crime was registered against him on 24.03.2024.

4. The learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. He has no criminal antecedents. He will not flee away from the trial. Practical investigation is over. Trial will take long period. It is lastly prayed to allow application.

5. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in serious crime. If he is released on bail, there is every possibility that he will commit same nature of crime again. The applicant has committed breach of prohibitory order passed by the District Magistrate under section 37(1)(3) of the Maharashtra Police Act, 1951 dated 20.03.2024. It is lastly prayed to reject the application.

6. Perused the papers of investigation, particularly the report and seizure panchanama of the pistol. The applicant has roots in the society. He has no criminal antecedents. Practical investigation is over. Trial will take long period. Considering all these aspects, the applicant is certainly entitled for bail on the principle that bail is rule and jail is exception on certain stringent conditions. Hence the following order.

O R D E R

I. Application is allowed.

II. The applicant in connection with crime No.0052 of 2024

registered with Chopda Gramin Police Station, Tq. Chopda, Dist. Jalgaon, for the offence punishable under sections 3 and 7 read with 25 of the Arms Act and under section 37(1)(3)/135 of the Bombay Police Act be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicant shall not enter in Jalgaon district till the conclusion of the trial except the dates fixed for hearing before the trial Court.

III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to the applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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