



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

952 ANTICIPATORY BAIL APPLICATION NO. 593 OF 2024

Vishal Raju Ahire

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Rohit P. Patwardhan h/f Mr. Satej S. Jadhav

APP for Respondents: Mr. R.B. Dhaware

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**CORAM : SHIVKUMAR DIGE, J.**

**DATED : 10<sup>th</sup> JULY, 2024.**

**PER COURT :-**

1. The applicant apprehends arrest in connection with crime No. 136 of 2024 registered with M.I.D.C. Police Station, Jalgaon, district Jalgaon, for the offences punishable under sections 25/3 of Arms Act, Sections 37(1), 37(3) of Maharashtra Police Act and under Section 34 of the Indian Penal Code.

2. It is the prosecution's case that on 01.03.2024 the police received a secret information that some persons are roaming with two pistols in Mehrun area. After receiving the information, the police went to the said place alongwith the team. There, they found that three persons were standing at one place. After seeing the police, they tried to flee away from the spot. At that time, the police nabbed two persons. One person ran away by taking advantage of darkness.

The nabbed two persons told their names and in their personal search, police found two country made pistols with them. The nabbed two persons told that the persons who ran away was the applicant. The police found mobile of the applicant.

3. It is the contention of the learned counsel for the applicant that the applicant was not present at the spot of incident. He has been falsely implicated in this case as he has criminal antecedents of similar nature. Those two nabbed persons have been released on bail. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that the applicant is habitual offender. Earlier he was convicted for two years under the Arms Act. The applicant's mobile was found at the spot of incident. The custodial interrogation of the applicant is required. Hence he 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. It is alleged that the applicant had ran away from the spot of incident and earlier he has been convicted under the Arms Act. In my view, mere earlier conviction of the applicant cannot be a ground to reject his anticipatory bail. Two

nabbed persons have not stated that the applicant was possessing any firearm. Considering this fact, the custodial interrogation of the applicant is not required. Hence I pass the following order :-

**ORDER**

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 22.05.2024 stands confirmed on the same terms and conditions except attending the concerned police station twice in a week i.e. on Monday and Thursday.

**(SHIVKUMAR DIGE, J.)**

rlj/