



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 ANTICIPATORY BAIL APPLICATION NO. 1162 OF 2024

Umesh Sukhdev Gaikwad

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Shashikant E. Shekade

APP for Respondents: Mr. C.V. Bhadane

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CORAM : SHIVKUMAR DIGE, J.
DATED : 13th AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 514 of 2024 registered with Shevgaon Police Station, district Ahmednagar, for the offences punishable under Sections 3 and 25 of the Arms Act, 1959.

2. It is the prosecution's case that on secret information about country made pistol, the police had conducted a raid at Gadewadi Phata, Khanapur, Tq. Shevgaon, district Ahmednagar. They found one person namely Akshay Ingale standing there. When his permission for search was sought, he declined for it. Therefore, his search was conducted in presence of panch. The police found country made pistol at the left side of his waist having three live cartridges. The police seized the said country made pistol. It is

alleged that the co-accused had purchased the said country made pistol from the applicant.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The co-accused owe some amount to the applicant. The applicant had asked the co-accused to return the said amount. On that ground, co-accused has implicated the applicant in this case. The applicant is a reputed person. He has no criminal antecedents. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that country made pistol was found with the co-accused. He has taken the name of the applicant that he has purchased the said country made pistol from the applicant for Rs.30,000/-. Considering the allegations against the applicant, his custodial interrogation is required and 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. The applicant's name is mentioned in the F.I.R. on the basis of statement of co-accused. The police have recovered the country made pistol alongwith three live

cartridges. The applicant has no criminal antecedents. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 15.07.2024 stands confirmed on same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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