



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 ANTICIPATORY BAIL APPLICATION NO. 1186 OF 2024

Bhaiya @ Kayyumoddin Kutubuddin ShaikhApplicant

VERSUS

The State of Maharashtra & anotherRespondent

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Mr. B. N. Narwade, Advocate for Applicant.

Mr. P. K. Lakhotiya, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th OCTOBER, 2024.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0099/2024 registered with Ahmednagar Police Station, Dist. Ahmendagar, for the offences punishable under Sections 3, 7, 25 of the Arms Act.

2. First Information Report reveals that on 03.02.2024 police had received secret information with regard to the unauthorised fire arms being carried by some person. Accordingly, a trap was arranged. Police tried to intercept two persons on motorcycle. However, they did not stop. They drove the motorcycle in high speed. The pillion rider fell down and he was taken into

custody. From him, country made pistol was seized along with two live cartridges. It is stated in the First Information Report that the person who was accosted disclosed name of the present Applicant.

3. Learned counsel for the Applicant submits that except for the alleged statement made by the co-accused, there is no evidence to connect the present Applicant with the crime in question.

4. Learned App submits that one more offence is registered against the applicant and as such this is not a fit case for grant of anticipatory bail. Learned counsel for the Applicant brought to the notice of this Court order dated 09.07.2024 passed by this Court in Anticipatory Bail Application No. 550/2024 granting pre-arrest bail to the Applicant in connection with the other crime.

5. Except for the statement of co-accused, there is nothing on record to indicate that present Applicant was a pillion rider. In any case, there is no statement made by the ac-accused about any knowledge of the present Applicant with regard to the said firm arm nor he is stated to be the supplier of the fire arm.

6. In view of the above, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb