

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1029 OF 2024

Kashiram Maruti Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Patil i/b Saili N. Dhuru, for the Applicant.

Mr. P. P. Malshe, APP, for the Respondent-State.

Mr. Dhanaji A. Sathe, P.S.I.-L.C.I.B. Alibag, Raigad, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 04th APRIL 2024

P.C.:

1. Heard Mr. Patil, learned Counsel for the Applicant and Mr. Malshe, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	8 of 2024
2	Date of registration of F.I.R.	09/01/2024
3	Name of Police Station	Roha, District-Raigad
4	Section/s invoked	3, 4, 5(a)(b), 7(a)(b), & 25 of the <i>Arms Act, 1959</i> ; 2(31), 48, & 51 of the <i>Wild Life (Protection) Act, 1972</i> .
5	Date of incident	08/01/2024 - 09/01/2024
6	Date of arrest	11/01/2024
7	Date of filing Charge-sheet	Charge-sheet is not filed

3. Mr. Patil, learned Counsel for the Applicant submitted that the

role attributed to the present Applicant is that he has purchased a country-made gun from the Accused No.1. He submitted that the Applicant was arrested on 11th January 2024 and he is under incarceration since last three months. He submitted that the said weapon is in fact required for protection of crops. He submitted that in any case the said country-made gun is already recovered and no more recovery is to be done from the Applicant. He submitted that even as per the prosecution case, the Applicant is not a dealer or supplier of the said gun. There are no antecedents against the Applicant and therefore, the Applicant be enlarged on bail.

4. Mr. Malshe, learned APP strongly opposed the Bail Application. He submitted that the said country-made gun was found in the house of the Applicant and therefore, the Bail Application be rejected.

5. However, perusal of the record shows that the only allegation against the Applicant is that he has purchased the said country-made gun from the Accused No.1. The Applicant was arrested on 11th January 2024. The said gun has already been recovered. Therefore, no further custodial interrogation is necessary.

6. The Applicant does not have any criminal antecedents.

7. The Applicant does not appear to be at risk of flight.

8. Accordingly, the Applicant can be enlarged on bail by imposing conditions.

9. In view thereof, the following order:-

ORDER

- (a) The Applicant-Kashiram Maruti Jagtap be released on bail in connection with C.R. No.8 of 2024 registered with the Roha Police Station, District-Raigad on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Roha Police Station, District-Raigad once in a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. till the filing of the Charge-sheet and thereafter as and when called, until the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]