



Sonali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3393 OF 2023

Akash Suresh Hajare

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Shriram Chaudhari, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Devidas Rohidas Salve, Police Sub-Inspector, Malegaon Police Station,
Pune Rural present.

CORAM : MADHAV J. JAMDAR, J.

DATED : 19th JANUARY 2024

P. C.

1. Heard Mr. Chaudhari, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing 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.	117 of 2022
2. Date of Registration of F.I.R.	26/12/2022

3.	Name of Police Station	Malegaon Police Station, Pune Rural, Taluka-Baramati, District-Pune
4.	Section/s invoked	Sections 3, 5 and 25 of the Arms Act, 1959 Sub-Section 1 and 3 of Section 37 and Section 135 of the Maharashtra Police Act, 1951.
5.	Date of Incident	25/12/2022
6.	Date of Arrest	26/12/2022
7.	Date of filing of Charge-sheet	23/02/2023

3. As per the prosecution case, on 25th December 2022 at about 10.30 p.m., the police received some information and therefore, the Applicant who was roaming around in a suspicious manner was apprehended and a search was conducted in the presence of two Panchas. At that time, the Applicant was found to be in possession of two country-made pistols and one bullet. The Applicant informed that the said articles were brought for the purpose of selling. The incident in question occurred on 25th December 2022. The F.I.R. has been lodged on 26th December 2022 and the Charge-sheet is filed on 23rd February 2023. There is one criminal antecedent bearing C.R. No.146 of 2022 registered with Nizampura Police Station, Bhiwandi for the offence punishable under Sections 3 and 25 of the Arms Act, 1959

and Sections 37(1) and 135 of the Maharashtra Police Act, 1951. In the said C.R., by Order dated 23rd June 2022 passed by the learned Judicial Magistrate First Class, Court No.7, Bhiwandi has already granted bail. The punishment prescribed for the said offence is imprisonment for a minimum of 2 years and a maximum of 5 years.

4. The Charge-sheet has been filed on 23rd February 2023. There are 9 witnesses as per the Charge-sheet. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

5. The Applicant does not appear to be at 'flight risk'.

6. The Applicant is incarcerated since 11 months. As the investigation is completed, the Applicant can be enlarged on bail by imposing stringent conditions. In view thereof, the following order:-

ORDER

(a) The Applicant-Akash Suresh Hajare be released on bail in connection with C.R. No. 117 of 2022 registered with the Malegaon Police Station, Pune Rural, Taluka-Baramati, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two 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 there is any change.

(c) The Applicant shall report to the Malegaon Police Station, Pune Rural, Taluka-Baramati, District-Pune on every Sunday, Wednesday and Friday of each week between 11.00 a.m. and 1.00 p.m. for first three months and for next three months, on every Sunday and Thursday of each week between 11.00 a.m. and 1.00 p.m. and after six months on every Sunday between 11.00 a.m. and 1.00 p.m. till 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 evidence and shall not contact or influence the complainant or any witnesses 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.

7. The Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]