

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2709 OF 2024

Tanmay Satish Bhogte	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Ramesh Dube Patil a/w. Mr. Swaraj Subhash Patil, Advocates,
i/b. Jay and Co., for the Applicant.
Mr. S. M. Mangonkar, APP, for the Respondent-State.
Mr. Dhanaji A. Sathe, PSI, Local Crime Branch, Raigad, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd JULY 2024

PC:-

1. Heard Mr. Dube Patil, learned Counsel for the Applicant and Mr. Mangaonkar, 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), and 25

		of the Arms Act, 1959; 2(31), 48 and 51 of the Wild Life (Protection) Act, 1972.
5.	Date of incident	08/01/2024 to 09/01/2024
6.	Date of arrest	09/01/2024
7.	Date of filing of Charge-sheet	06/04/2024

3. In this Bail Application, affidavit dated 18th July 2024 of Mr. Dhanaji Atmaram Sathe, Police Sub-Inspector, presently attached to Local Crime Branch, Raigad is annexed. The case of prosecution is reflected in paragraph Nos.3, 4 and 5 of the said affidavit. The said paragraph Nos.3, 4 and 5 read as under:

“3. The case of prosecution is as under:-

That on 08.01.2024, the secrete information was received to the Local Crime Branch, Raigad, that one Tanmay Bhogate have illegal weapons at his residential house. The trap was laid as an order given by Senior Officials, as the police staff along with panchas conducted raid at the residential house of Applicant, wherein country one made pistol, powder of explosives, 10 live cartridges (32SW), revolver (.22 mm) 50 round were found in the house of Accused.

On the basis of aforesaid facts, the FIR came to be lodged against the present Applicant/Accused No.1 Tanmay Satish Bhogate, and further name of the Accused

No.2 Laxman Hiram and Accused No.3 Kashiram Jagtap were revealed, during the course of investigation.

4. I say that during the course of investigation, the house search panchanama of Applicant was conducted in presence of two panchas, in which, Four country made Guns, One Revolver, 25 live cartridges, powder of explosives, 10 live cartridges (32SW), 50 round (.22 mm), 3 Swords, 5 knife, 5 sickle (Koytas), 6 dummy round, rounds of lead weighing 4.900 kg, wooden material for prepare guns, and body parts of wild animals were recovered under house search panchanama. Hereto annexed Exh. "A" is the copy of house search panchanama dated 08.01.2024.

5. I say that during the course of investigation, it is revealed that the Applicant/Accused prepared illegal weapons at his residential home and used to sold the said weapons to co-accused i.e. Accused No.2 Laxman Hiram and Accused No.3 Kashiram Jagtap. Accordingly, the Accused No.2 and 3 were arrested on 10.01.2024 and 11.01.2024 respectively. The statement of Applicant was recorded to that effect..."

4. It is the submission of Mr. Dube Patil, learned Counsel appearing for the Applicant that the investigation has been completed and Chargesheet has been filed. He pointed out Section 2(e) of the Arms Act, 1959 ("the said Act") which defines firearms and Section 7 of the said Act which is regarding prohibition of acquisition or possession, or of manufacture or sale of prohibited

arms or prohibited ammunition. He also pointed out Section 25(1AA), Section 25(1B) (e) and Section 25(1B) (i) of the said Act. It is the submission that the arms which are found are not covered under Section 2(e) of the said Act and therefore, no offence is committed as alleged by the prosecution. He also submitted that there are no criminal antecedents against the Applicant. The Applicant is a young man aged 24 years and Applicant's family is consisting of himself and his old age ailing mother.

5. On the other hand, Mr. Mangaonkar, learned APP for the Respondent-State strongly opposed the Bail Application. He submitted that the offence is very serious. He pointed out affidavit of Mr. Dhanaji Atmaram Sathe, Police Sub-Inspector, presently attached to the Local Crime Branch, Raigad. He submitted that during the investigation one countrymade pistol, powder of explosives, 10 live cartridges (32SW), revolver (.22mm) 50 round etc. were found in the house of the Applicant. On instructions, he submitted that there are no antecedents.

6. Perusal of the record shows that in the present case, the incident in question occurred on 8th January 2024, F.I.R. was lodged on 9th January 2024, the Applicant was arrested on 9th January 2024 and, the Charge-sheet was filed on 6th April 2024. During investigation, the Investigating Agency has already seized countrymade pistol, powder of explosives, 10 live cartridges etc. Admittedly, there are no criminal antecedents against the present Applicant. The Applicant is young man aged 24 years and the Applicant is sole earning member of his family consisting of himself and his ailing mother.

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 - Tanmay Satish Bhogte 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.50,000/- 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 every week, on every Sunday between 2:00 p.m. and 4:00 p.m., 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 Trial Court shall decide the case on its merits, uninfluenced by the *prima facie* observations made in this order.

[MADHAV J. JAMDAR, J.]