

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3302 OF 2024**

Shubham Rajendra Bhusare ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Ranjeet M. Pawar for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

GPSI G. K. Kaspate, Walchand Nagar Police Station, District Pune Rural.

CORAM : MANISH PITALE, J.

DATE : 10th DECEMBER, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant herein is apprehending arrest in connection with FIR No.0331 of 2024 dated 09.09.2024, registered at Walchand Nagar Police Station, District Pune Rural for offences under Sections 288 of the Bharatiya Nyaya Sanhita, 2023; Sections 3, 4 and 25 of the Arms Act, 1959; Sections 37(1)(c) and 135 of the Maharashtra Police Act, 1951 and Section 4 of the Explosive Substances Act, 1908. The non-bailable offences in the present case are offences under Sections 3, 4 and 25 of the Arms Act, 1959.

PRIYA
KAMBLI
Digitally
Signed by
PRIYA KAMBLI
Date: 12/10/2024
12:13:10
PM

3. In the present case, the co-accused person was found in possession of certain arms, when the police was looking for him as there were proceedings under the Maharashtra Prevention of Dangerous Activities Act, 1981, pending against him. The list of weapons found in his possession have been stated in the statement of

the constable (informant) dated 09.09.2024, which led to registration of FIR. The said co-accused person named the applicant and on that basis, he was arraigned as an accused in the present case. The investigation was completed and charge-sheet was filed against the applicant under Section 299 of the Code of Criminal Procedure, 1973.

4. The learned counsel for the applicant submits that in the entire charge-sheet, other than the statement of the co-accused person, there is no material to link the applicant with the present case. It is submitted that the applicant is ready to co-operate with the investigation and to appear before the investigating officer and in such circumstances, this Court may allow the present application.

5. On the other hand, the learned APP has vehemently opposed the present application. He submits that the raw material for some of the weapons, including bombs found in possession of the co-accused person, were sourced from the State of Madhya Pradesh and in that context, physical custody of the applicant is necessary. It is emphasized that the applicant has criminal antecedents and in one of the antecedents, the applicant is arraigned as an accused with the said co-accused, who was found in possession of the weapons. It is submitted that the other criminal antecedent pertains to offence under Section 353 of the Indian Penal Code, 1860 (IPC).

6. The learned counsel for the applicant, in the context of criminal antecedents, has brought to the notice of this Court that in one of the cases, where the applicant is arraigned as an accused with the said co-accused for offence under Section 307 of the IPC, the Sessions Court itself granted anticipatory bail to him on 28.09.2021.

7. This Court has perused the application and the documents filed therewith. It appears that other than the statement of the co-accused person, there is no material to link the applicant with the present case. The applicant appears to have criminal antecedents. But, it is a matter of record that in one of the cases involving offence under Section 307 of the IPC, the Sessions Court granted anticipatory bail to him, upon rendering finding that *prima facie* case was made out in his favour. In such circumstances, the existence of the aforesaid criminal antecedents in itself, cannot be a ground to reject the present application, so long as the applicant is ready to co-operate with the investigation.

8. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0331 of 2024 dated 09.09.2024, registered at Walchand Nagar Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 12.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli