

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

ANTICIPATORY BAIL APPLICATION NO. 44 OF 2025

Narayankant Ramshiromani Mishra .Applicant

vs.

The State of Maharashtra .Respondent

Mr. Piyush Chhabria, Advocate, for the Applicant
Mr. M. S. Sonawane, APP, for the Respondent – State

CORAM : MILIND N. JADHAV, J.

DATE : 09.01.2025

P. C.

1. Heard Mr. Chhabria, learned Advocate for the Applicant and Mr. Sonawane, learned APP for the Respondent – State. Perused the record.

2. By this Application, the Applicant apprehends arrest in connection with C. R. No. 1355 of 2024 registered with the Mahatma Phule Chowk Police Station, Thane, for the alleged offences punishable under Sections 3, 20, 24B & 25 of the Indian Arms Act, 1959 and under Sections 37(1), 135 of the Maharashtra Police Act, 1951.

3. The Complainant is the police itself. The prosecution case is that on 21.12.2024 between 15 and 15.15 hours i. e. between 3.00 p. m. and 3.15 p. m., the Applicant moved on the first and the second floor

of the new building of the Court premises at Kalyan which is a public place possessing and flaunting his firearm in a suspicious manner despite prohibitory Order having been passed by the Commissioner of Police, Thane for restricting possession and carrying of deadly weapons on 04.12.2024. At the outset, it needs to be stated that the Applicant possesses a valid legal license for possessing the firearm which he was carrying. A copy of the License is appended at page No. 29 of the Application. He has been working as a private security officer and in that capacity on that date he was carrying the said firearm. The allegation stems from the fact that he was wandering suspiciously and flaunting the said weapon. In order to substantiate and validate the above allegation considering the mention in the report appended at page No. 15 that the video of the Applicant doing so was uploaded on social media, I persuade the learned Advocate for the Applicant to show the said video clip to me as well as the learned APP. The said video clip is seen by me and the learned APP. After seeing the said clip, what I gather therefrom is that there is absolutely no element of any alleged suspicious movement and flaunting of the said firearm by the Applicant. The Applicant's firearm, a licensed one is carried by him undoubtedly with the firearm pointed towards the ground at all times sticking to the right side of his body, head and right arm/hand. His

entire movement cannot be deemed to be suspicious at all. Be that as it may, for violation of the prohibitory order, the prosecution may take appropriate steps and action as available to them in law in law against the Applicant. Custodial interrogation of the Applicant is not necessary. Firearm has been confiscated and seized as per the report on page No. 26 of the Application. All details are stated therein. Appropriate action as available in law by the prosecution for movement with the firearm be taken. Learned APP has vehemently submitted that despite prohibitory Order, Applicant was found to be violating the said prohibitory Order. However, at his instance, after reading complaint at page No. 15, it is clearly seen that the allegation is that of suspicious movement and flaunting which is not made out *prima facie*. The said firearm is not such that it can be tucked inside the trouser or on the body of the person. It is a substantially large sized gun. Applicant should have been careful while attending Court with the concerned politician to whom he provides security. He was careless.

4. In view of the above and considering the nature of allegations in the FIR, the Application stands allowed and the Applicant is granted pre-arrest bail on the following terms and conditions :

O R D E R

(i) In the event of the arrest of the Applicant, he be enlarged on

bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after been released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(MILIND N. JADHAV, J.)