

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 660 OF 2025

Kisan Hanumant Devkate & Anr. Applicants

VERSUS

The State of Maharashtra Respondent

Mr. Rupesh Atul Zade for the Applicants.

Mr. Avinash Naik, A.P.P. for the State.

Mr. R. D. Gaikwad, A.S.I., Baramati Taluka Police Station, Pune present.

CORAM : RAJESH S. PATIL, J.

DATE : 20th MARCH, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0006 dated 4th January, 2025 registered with Baramati Police Station, Pune Rural for the offences punishable under Sections 3(5) and 194(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 25 of the Arms Act, 1959.

2. It is the case of the prosecution that on 2nd January 2025 at night 23:15 hours, the police received credible information that six to

seven persons with wooden sticks and iron sickles, were shouting loudly in the locality of Mouje Mekhali, Ahilyadevi Holkar Chowk, Taluka Baramati, District Pune which created threat in the minds of the public at large. The police on investigation revealed that the accused nos. 2 and 3 alongwith other accused persons had committed the said offence. Therefore, the FIR was lodged.

3. Mr. Zade, learned counsel appearing for the applicants submits that the applicants are innocent persons. They will abide by all the conditions imposed on them. There is delay in filing FIR and there is no direct specific role attributed to the applicant.

4. The learned A.P.P. submits that the accused persons have violated the provisions of Arms Act by possessing deadly weapons without any authority. The applicant no.1 is a habitual offender. He has committed seven other offences in the locality of various police stations. If granted pre-arrest bail, the applicants would repeat crime and tamper with the investigation by pressurizing witnesses.

5. I have heard learned counsel for both the sides and I have considered the documents on record. The incident which had occurred at night 23:15 hours. The present applicants alongwith other co-accused were in possession of sickles and wooden sticks and they were

created a terror atmosphere by showing weapons openly in the vicinity. According to me, the crime committed by the applicants is of serious nature. There are seven antecedents against the accused no.1. Therefore, an order of pre-arrest bail to the applicants having history of committing crimes is giving him opportunity to commit one more crime and even tamper with the investigation of the present proceedings.

6. In the present FIR, Sections 25 and 4 of the Arms Act are also registered.

7. Therefore, I am of the *prima facie* view that no protection should be granted to such persons. Hence, the **present anticipatory bail application stands rejected.**

[RAJESH S. PATIL, J.]