

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

**INTERIM APPLICATION NO. 2364 OF 2025
IN
CRIMINAL APPEAL NO. 131 OF 2025**

Abdul Raheman Mohammad Avesh	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Mahendra N. Sandhyanshiv for Applicant.
Ms. Ranjana D. Humane, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 5 AUGUST 2025**

PC :

1. This is an application for bail pending final disposal of the Criminal Appeal No.131 of 2025. The Applicant was the original Accused No.1 in Sessions Case No.117 of 2023 before the learned Additional Sessions Judge, Malegaon. The learned Judge, vide his Judgment and order dated 06.01.2025 convicted the Applicant and the original Accused Nos.2 for commission of the offence punishable U/s.25 r/w. 3 of the Arms Act and sentenced them to suffer R.I. for five years each and to pay a fine of Rs.5000/- each and in default to suffer R.I. for one year each.

There were other three accused i.e. Accused Nos.3 to 5. They were convicted for commission of the offence punishable U/s.25 r/w. 4 of the Arms Act and were sentenced them to suffer R.I. for three years and six months each and to pay a fine of Rs.3000/- each and in default to suffer R.I. for six months each.

2. The prosecution case is that, on prior information, the police officers apprehended five accused and various arms were recovered from them. From the present applicant one country made pistol and two live rounds were recovered. From the accused No.2 one country made pistol and two live rounds were recovered.

3. Learned counsel for the applicant submitted that the Applicant had earlier filed the Interim Application No.1509 of 2025 in this Appeal along with the Accused No.2. However, the applicant's application was withdrawn with liberty to file a fresh application with details of antecedents. Accordingly, this fresh application was filed. Vide the order dated 20.06.2025, bail was granted to the original Accused No.2. Now the present application is filed with necessary details which are mentioned in paragraph-7

of this application; as follows:

- i) C.R.No. 119 of 2022, U/s.307, 147, 148 r/w. 149 of the I.P.C. and U/s.4 r/w.25 of the Arms Act, registered with Pawarwadi police station, Malegaon.
- ii) C.R.No. 249 of 2022, U/s.307, 147, 148, 452, 307, 504 and 506 of the I.P.C. and U/s.4 r/w.25 of the Arms Act, registered with Satana police station, Dist. Nashik.
- iii) C.R.No.22 of 2023, under sections 302, 120(b) r/w.34 of the I.P.C., registered with Kasoda police station, Jalgaon.

4. In the first two offences the applicant is acquitted and in the third offence he is granted bail.

5. Learned counsel for the applicant submitted that, as far as, the present offence is concerned, his role is exactly similar to the role of the accused No.2 and, therefore, on parity he deserves to be released on bail.

6. Learned APP submitted that considering these antecedents, some conditions be imposed on him.

7. I have considered these submissions. Though, there is one antecedent pending against the applicant, he is on bail. As far

as, the present offence is concerned, his role is exactly similar to that of the Accused No.2. A copy of the order dated 20.06.2025 passed in I.A.No.1509 of 2025 is produced on record by the learned counsel for the applicant. It is taken on record and marked 'X' for identification.

8. The applicant is already in custody for over two years out of the sentence of five years. The Appeal is not likely to be decided within the remaining period of three years. Therefore, considering all these aspects, the applicant deserves to be released on bail pending his Appeal. However, some conditions will have to be imposed on him.

9. Hence, the following order:

ORDER

- i) During pendency and final disposal of Criminal Appeal No.131 of 2025, the Applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.25000/- with one or two sureties in the like amount.
- ii) The Applicant shall report to Pawarwadi police

station on first Sunday of every month between 4:00p.m. to 5:00p.m. till further orders.

iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)