



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 690 OF 2026

Arbaz Alias Albas Dawood Pinjari
VERSUS
The State Of Maharashtra And Others

- ...
- Mr. J. V. Patil, Advocate for Applicant
 - Mr. K. K. Naik, APP for Respondent Nos. 1 and 2 - State
- ...

CORAM : MEHROZ K. PATHAN, J.

DATED : 29.04.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondents-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 547 of 2025 dated 19.12.2025, registered with Chalisgaon Police Station, District Jalgaon, for the offences punishable under Sections 3(5), 109, 351(2), 351(3), 352 of the BNS, 2023, as well as Sections 3 and 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.
3. The prosecution case, in brief, is that the informant was acquainted with one Dipak Marsale and there existed prior enmity between them. It is alleged that on 03.06.2025, a quarrel had taken place between them, during which the informant sustained injuries in

a knife assault. It is further alleged that on 18.12.2025 at about 11:30 p.m., while the informant was present with his friends, at about 11:45 p.m., Dipak Marsale along with an unidentified person came to the spot, abused the informant and, in furtherance of prior hostility, fired a gunshot at him. The informant, while attempting to flee, sustained a gunshot injury on his thigh. He thereafter concealed himself at the spot for safety and was subsequently taken to the hospital for treatment, upon which the present FIR came to be registered.

4. Learned counsel for the applicant submits that the applicant was not named in the FIR and has been roped in subsequently during the course of investigation, solely on the basis of memorandum and disclosure statements of co-accused, which are not admissible in evidence.

5. Learned counsel for the applicant further submits that there are no direct or specific allegations against the applicant in respect of actual firing, assault, abuse or causing any injury to the informant, as such allegations are attributed to the co-accused persons and not to the present applicant. It is submitted that the only allegation against the applicant is that he had allegedly supplied a country-made firearm to the co-accused, which fact has surfaced solely on the basis of disclosure statements made by co-accused while in police custody,

and such statements are not admissible in evidence. According to the learned counsel, the applicant is not directly connected with the commission of the present offence and has been falsely implicated with an intention to involve him in multiple offences. It is further submitted that the prosecution case itself suggests that the applicant had allegedly sold the firearm to accused Nos. 3 and 4, who in turn supplied the same to accused Nos. 1 and 2, who are alleged to have used the weapon in the commission of the offence. It is contended that though the applicant has certain criminal antecedents, the same, by itself, cannot be a ground to seek his custodial interrogation in the absence of any credible material connecting him with the present crime. The applicant is ready and willing to abide by any conditions that may be imposed by this Court and, therefore, deserves to be protected by grant of anticipatory bail.

6. The learned APP, on the other hand, strongly opposes the application and submits that the applicant is involved in a serious offence of attempt to commit murder. It is contended that the firearm used in the commission of the offence by accused Nos. 1 and 2 was initially supplied by the present applicant to accused Nos. 3 and 4, who in turn provided the same to accused Nos. 1 and 2. The complainant has sustained a firearm injury, which lends corroboration to the prosecution case. It is further submitted that,

during custodial interrogation, accused Nos. 3 and 4 have specifically disclosed the name of the present applicant as the supplier of the weapon.

7. The learned APP further submits that the applicant has criminal antecedents of a similar nature, including Crime No. 23 of 2020 registered under Sections 324, 452, 323, 504 and 506 of the Indian Penal Code, Crime No. 125 of 2020 registered under Sections 379 and 34 of the IPC, and Crime No. 169 of 2021 registered under Sections 392, 504 and 506 of the IPC as well as Sections 3 and 25 of the Arms Act, all registered with Ramanand Nagar Police Station, Jalgaon. The present offence is registered at Chalisgaon Police Station, District Jalgaon, and there is every likelihood that, if released on bail, the applicant may again indulge in similar offences.

8. It is further submitted that the co-accused have specifically named the present applicant as the supplier of the firearm and the provisions of the Arms Act are attracted in the present case. The offence under Section 109 of the BNS is punishable with life imprisonment. Considering the gravity of the offence, the role attributed to the applicant and his criminal antecedents, it is submitted that this is not a fit case for grant of anticipatory bail.

9. I have gone through the investigation papers made available by the learned APP. A perusal of the same indicates that the charge-sheet

has already been filed against the arrested accused persons in the present crime. The present applicant is arraigned as accused No. 5, namely Arbaz @ Albas Dawood Pinjari. The material on record reveals that the applicant has been named as the supplier of the firearm allegedly provided to accused Nos. 3 and 4. The house panchanama has led to the recovery of the pistol used in the commission of the offence. During the course of investigation, it has been revealed that accused No. 3 – Prathamesh and accused No. 4 – Amir Shaikh had supplied the said weapon to accused No. 1 – Dipak and accused No. 2 – Pravin Kasbe, who are alleged to have used the firearm to shoot at the complainant. It has further come on record that accused No. 3, while in custody, made a statement that the weapon in question was purchased from the present applicant.

10. The applicant is having criminal antecedents of a similar nature, including Crime No. 23 of 2020 registered under Sections 324, 452, 323, 504 and 506 of the Indian Penal Code, Crime No. 125 of 2020 registered under Sections 379 and 34 of the IPC, and Crime No. 169 of 2021 registered under Sections 392, 504 and 506 of the IPC as well as Sections 3 and 25 of the Arms Act, all registered with Ramanand Nagar Police Station, Jalgaon. The present offence is serious in nature and is punishable with severe punishment, including life imprisonment.

11. Considering the material collected during the course of investigation, the role attributed to the applicant as a supplier of the firearm, and his criminal antecedents, the involvement of the applicant is prima facie established. There is a likelihood that, if released on bail, the applicant may again indulge in similar offences of illegal sale of firearms, which are used in the commission of serious crimes.

12. In view of the above, this Court is not inclined to exercise discretion in favour of the applicant under Section 482 of the BNSS. The application is, therefore, rejected.

(MEHROZ K. PATHAN, J.)