

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

CRIMINAL BAIL APPLICATION NO.144 OF 2026

Dheeraj Surendra Upadhyay
@ Dheeraj Surendra Upadhyay

...Applicant

Versus

State of Maharashtra

...Respondent

None for the Applicant.

Ms. S. G. Talhar, A.P.P. for the State.

R.G. Gujav, PSI, Malad Police Station -SGT is present.

CORAM : ABHAY J. MANTRI, J.

DATE : 27th FEBRUARY, 2026

P.C. :-

1. The Applicant has moved this application to release him on bail in connection with Crime No. 553 of 2025 registered with Malad Police Station for the offences punishable under Sections 3 & 25 of the Arms Act, 1959 and Sections 37(1)(a) and 135 of the Maharashtra Police Station Act, 1951.

2. Heard the learned A.P.P. for the State. None appears for the Applicant when the matter is called out, either in the Court Hall or through Video Conferencing mode. Perused the application, chargesheet and records.

3. It appears that on 16th September, 2025, the Applicant was found in possession of a Gavathi Katta / Country-made Katta (firearm) and one foreign-made pistol, two magazines, and several live cartridges. On inquiry, he stated that he had purchased the said weapons from the co-accused. Accordingly, the offence was registered against him for possessing the firearms without a license.

4. In the Application, it is contended that he has not committed any offence and that he is innocent and falsely implicated in the present crime. He has no criminal antecedents. The co-accused has been released on bail, and the investigation is completed. Therefore, on the grounds of parity, the applicant should be released on bail.

5. *Per contra*, the learned A.P.P. vehemently resisted the application on the ground that, though the chargesheet has been filed, the Applicant is not entitled to bail as he has criminal antecedents. Five offences have been registered against him at various police stations. Accordingly, learned A.P.P. has tendered the report before the Court, the same is taken on record and marked as 'X' for identification purposes. I would like to reproduce those offences as under :-

- (1) Kasturba Police Station, Mumbai, Crime No. 67/2008 under Sections 326, 504, 506 of the Indian Penal Code.
- (2) Dahisar Police Station, Mumbai Crime No. 323/2011 under Sections 143, 145, 147, 149 read with 37 of the Indian Penal Code.
- (3) Samata Nagar Police Station, Mumbai Crime No. 1307/2023 under Section 4(a), 5 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
- (4) M.H.B. Colony Police Station, Mumbai Crime No. 422/2023 under Sections 279, 336 of the Indian Penal Code and Section 184 of the Motor Vehicles Act.
- (5) Kasturba Police Station, Mumbai Crime No. 219/2025 under Sections 115(2), 114(1), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. Therefore, learned A.P.P. urged for rejection of the application.

7. Having gone through the record, it appears that since 16th September, 2025, the Applicant is behind bars. The police have recovered the firearm and cartridges from his possession. The investigation has been completed, and the

chargesheet has been filed in the Court. I have also considered offences registered against the Applicant and allegations made therein, as well as the fact that the co-accused has been released on bail. In view of the above, in my opinion, it would not be appropriate to detain the applicant in jail for an indefinite period. However, to dispel the apprehension of the prosecution, stringent conditions can be imposed on the applicant while releasing him on bail.

8. As a result, **the Application is allowed.**

9. The Applicant be released on bail in connection with Crime No. 553 of 2025 registered with Malad Police Station for the offences punishable under Sections 3 & 25 of the Arms Act, 1959 and Sections 37(1)(a) and 135 of the Maharashtra Police Station Act, 1951, upon furnishing a Personal Bond and Security Bond of Rs. 1,00,000/- with one or two solvent sureties in the like amount. On the following conditions: -

i) The Applicant shall not tamper with the prosecution evidence in any manner till the conclusion of the trial.

ii) The Applicant shall not leave India without prior permission of the Trial Court.

10. The bail application is disposed of accordingly.

(ABHAY J. MANTRI, J.)