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

ANTICIPATORY BAIL APPLICATION NO.1063 OF 2026

Akash Sanjay Palange : Applicant
Versus
The State of Maharashtra : Respondent

Mr. Vishal Kolekar a/w Advocates Shubham Kadam and
Harsharaj Jagtap for the Applicant.
Ms. Pallavi Dabholkar, APP for the Respondent/State.
Mr. Sachin Ghadge, ASI of Pune Rural Local Crime Branch,
Pune present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 28 APRIL 2026

PC:-

1. By the present Application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant is seeking pre-arrest bail on the apprehension of his arrest in FIR bearing No. 0189 of 2026 dated 27th March 2026 registered with Daund Police Station, Dist. Pune (FIR) for the offences punishable under Sections 3 and 25 of the Arms Act 1959 and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case is that on 26th March 2026, the Assistant Police Inspector received secret information that persons named Irfan Khan and Vishal Katkar were carrying a

pistol and had stopped near Hutatma Chauk on the road leading towards the railway ground. Based on this information, the two persons (Irfan Khan and Vishal Katkar) were found in possession of a pistol with an empty magazine and were taken into custody. Based on the statements made by Irfan Khan (Accused No. 1) and Vishal Katkar (Accused No.2), Sonu @ Billa @ Padmakar Shantaram Tade (Accused No.3), Babbu @ Bhojraj Vijay Jamdade (Accused No.4), Akash Palange – the present Applicant was shown as an accused in the present crime.

3. Irfan Khan (Accused No.1), Vishal Katkar (Accused No.2), Sonu Tade (Accused No.3) and Babbu Jamdade (Accused No.4) in the FIR have been released on Regular bail by the Court of the Judicial Magistrate First Class, Daund, Dist. Pune as stated by Mr. Vishal Kolekar, learned Advocate for the Applicant.

4. Mr. Vishal Kolekar learned Advocate for the Applicant, submits that the only material against the Applicant to implicate him as an accused in the FIR is a statement made by co-accused Babbu Jamdade (Accused No.4). He submits that, apart from that, no material is disclosed in the FIR to implicate the Applicant in the present crime. He submits that the Applicant is ready and willing to cooperate with the investigation and that his custodial interrogation is not required.

5. Ms. Pallavi Dabholkar learned APP for the Respondent/State, submits that the custodial interrogation of the Applicant is necessary to ascertain whether the Applicant is involved in any other similar offences under the Arms Act. She submits that the Applicant has criminal antecedents. She further submits that these antecedents relate to bodily offence, offence under gambling, and other offences under the Indian Penal Code. However, she fairly states that the Applicant has no other offences under the Arms Act.

6. Perused the record.

7. Other Accused named in the FIR are released on regular bail, the weapon involved in the present crime has been recovered. The offences alleged in the FIR are triable by the Court of Magistrate.

8. As far as the objection of the learned APP to the criminal antecedents is concerned, the Hon'ble Supreme Court in the case of *Prabhakar Tewari Vs. State of U.P.*¹ has held as follows :-

"7. On considering the submissions of the learned counsel for the parties, having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in Mahipal [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] for testing the legality of an order granting bail are absent in the order [Vikram Singh v. State of U.P., 2019 SCC OnLine All 5566] impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a

¹ (2020) 11 SCC 648

prima facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order [Vikram Singh v. State of U.P., 2019 SCC OnLine All 5566] of the High Court granting bail. This appeal is dismissed.”

9. No recovery is sought to be effected from the Applicant. In such circumstances, custodial interrogation of the Applicant in the present crime is not warranted, particularly when the Applicant has expressed willingness to co-operate with the investigation.

10. In view of above, this Application is allowed in the following terms.

- (a) In the event of arrest of the Applicant in FIR bearing No.0189 of 2026 dated 27 March 2026 registered with Daund Police Station, Dist. Pune, the Applicant shall be released on bail upon furnishing a PR bond in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand only) with one or two local sureties in like amount.
- (b) Applicant shall report to the Investigation Officer, Daund Police Station, Dist. Pune, on the 2nd and 4th Saturday of every month between 10.00 am to 12.00 pm., commencing from the month of May 2026. In

the event the Applicant is required on any other day, by the Investigating Officer, the Applicant shall ensure his presence before the Investigating Officer.

- (c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.
- (d) Applicant shall not tamper with evidence in any manner.
- (e) Applicant shall provide the Investigation Officer with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this information from time to time.
- (f) Applicant shall cooperate with the Investigating Officer in the process of investigation of the present Crime.

11. Anticipatory Bail Application No.1063 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)