

**Order below Exh.1**  
**in Cri. Bail Application No.47/2022.**  
( Gokul Shivaji Ganeshkar Vs State)

This is a bail application moved by the applicant-accused Gokul Shivaji Ganeshkar under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.256/2021 registered with Ghoti Police Station for the offence under section 3/25 of the Arms Act, in the event of arrest in connection with above referred crime.

2. It is stated in the application that two accused in the present crime are already arrested. Muddemal property i.e. weapons are already seized and custody of this applicant-accused is no more essential for custodial interrogation. Thus, on these grounds and other grounds set out in the application and prayed to allow the anticipatory bail.

3. Application is opposed by the prosecution and submitted that accused is involved in the present crime. He has supplied two country made pistols to other accused particularly accused Anil Yelmame through accused Sanip Kokane. It is also stated that, present applicant-accused was previously arrested in CR No. 71/2018 for the offence under section 3/25 of the Arms Act registered with Ghoti police station and his presence is required for custodial interrogation.

4. Heard, both parties at length. The learned counsel Shri. Kale for applicant-accused submitted that, the weapons are already seized on the same day when the FIR was registered. He is local resident. The previous crime registered against him has not reached its final conclusion in the trial. Therefore, same cannot be taken a ground

to refuse the anticipatory bail to the applicant-accused. The applicant-accused is ready to co-operate with the investigating machinery and therefore, necessary purpose would be served, if attendance is granted to the applicant-accused. He is ready to abide all conditions laid down by this court. Hence, submitted to allow the application.

5. On the other hand, learned APP Shri. Suryavanshi submitted that as per the FIR applicant-accused was found on the spot of incident and during the course of raid, he escaped from the clutches of the police and police apprehend the accused Sandip Kokane and on interrogation the name of accused Anil Yelmame revealed and from him those country made pistols were recovered. The name of applicant-accused is also revealed during the course of interrogation with other accused persons.

6. I have carefully gone through the record. FIR reflects the role of the applicant-accused as he had handed over the cartridges to the another accused Sandip Kokane and when the police have raided the spot, this applicant-accused ran away and escaped from the clutches of the police. Thereafter, police reached to the another accused Anil Yelmame from whom two country made pistols were recovered. Police have also seized the mobile phone from the Anil Yelmame. It is case of the prosecution that applicant-accused had supplying those cartridges and country made pistols to the other accused and therefore, the role of the applicant-accused is prima-faice revealed from the FIR and other police papers. Therefore, custodial interrogation of the applicant-accused is very much necessary to trace out from whom he has obtained the fire arms and his modus operandi. There are chances of involvement of other unknown accused and they may be apprehended by the police. Thus, being application is not

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maintainable devoid of merit. Therefore, following order is passed.

**ORDER**

- 1) Anticipatory Bail Application No.47/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-18.01.2022

( M. A. Shinde )  
Additional Sessions Judge-8,  
Nashik.