

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1517 OF 2015**[Rajendra Ananda Marathe (Dahatonde) Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri A.P.Bhandari, advocate for applicant
Shri M.M.Nerlikar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 1st April, 2015****PER COURT :-**

1] Heard Shri A.P.Bhandari, learned counsel for applicant and Shri M.M.Nerlikar, learned Additional Public Prosecutor for the respondent.

2] The present applicant is seeking anticipatory bail, in the event of his arrest, in connection with Crime No. 18 of 2015, registered with Mohadi police station, District Dhule, for the offences punishable under Sections 328, 427, 482, 486, 488 of the Indian Penal Code and under Section 65(b)(c) (d)(f), 67, 83, 86 of the Bombay Prohibition Act, 1949.

3] According to the first information report lodged by police constable Sandeep Khairnar on 18.2.2015, the raiding party made a surprise visit to the agricultural field of the present applicant at Ranmala. There they found the illicit distillery of foreign liquor was going on. From the first information report, it is clear that certain articles were seized. It is clear from the first information report that the allegations are against one Pawan Agrawal and the allegation against present applicant is that he has given the said agricultural field to Pawan Agrawal. Even in the reply, those are the only

allegations against the present applicant.

4] Section 86(2) of the Maharashtra Prohibition Act rules that a owner will be responsible for the offence under Sub-section (2) of Section 86 of the Maharashtra Prohibition Act only if the owner is having active involvement in the commission of the offence. The first information report is completely silent on that aspect. Further, there is no material available on record to show that the present applicant owns any land at Ranmala. On the contrary, the applicant has placed a lease deed on record by which it is clear that he has executed a lease deed in favour of Pawan Agrawal in respect of the land, situated at Mouza Salwade, District Dhule. The investigating officer has not placed any material on record to show that he has made any investigation about Gat Number or field Survey Number wherein illicit distillery was going on belongs to the present applicant. In that view of the matter, the applicant can be protected. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Rajendra Ananda Marathe (Dahatonde), in connection with Crime No. 18 of 2015, registered with Mohadi police station, District Dhule, for the offences punishable under Sections 328, 427, 482, 486, 488 of the Indian Penal Code and under Section 65(b)(c)(d)(f), 67, 83, 86 of the Bombay Prohibition Act, 1949, be released on anticipatory bail on he executing P.R. bond of Rs.10,000/- with two solvent sureties in the like amount.
- (iii) Applicant shall attend police station Mohadi, District Dhule twice in a week preferably on every Wednesday and Friday, between 11.00 a.m. to 1.00 p.m. till the charge sheet is filed.

(iv) The applicant to visit police station Mohadi from 8th April, 2015.

(v) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1517.15