

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3503 OF 2015

Bhagwat s/o Bhaurao Shinde

.... **APPLICANT**

V E R S U S

The State of Maharashtra & Anr.

.... **RESPONDENTS**

.....

Mr. C.R.Deshpande, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 15th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 38/2015 registered with Shirur Anantpal police station, District Latur for the offences punishable u/s 147,353,332,186 of the Indian Penal Code and u/s 65 (A) (E), 81 and 83 of the Bombay Prohibition Act.

2. Heard Mr. C.R.Deshpande, learned counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for respondent No. 1 – State.

3. F.I.R. is lodged by Latif Pashamiya Saudagar, police personnel. According to F.I.R., when the first informant

was in search of accused in Crime No. 37/2015, that time he noticed that one motorcycle was going towards Baspur from Mategadi. F.I.R. states that pillion rider was also there and in between the driver of the said motorcycle and pillion rider, there was one gunny bag. Therefore, said motorcycle was accosted. That time, upon enquiury, driver of the motorcycle disclosed his identity as Bhagwat s/o Bhaurao Shinde, who is present applicant. That time first informant took gunny bag to notice two boxes containing country liquor. According to F.I.R., that was intimated by him to Mr. Bangar, Police Sub Inspector. In the mean while, present applicant made phone call and thereafter one Mahindra jeep came there and from that jeep 5-6 persons alighted. They pushed and obstructed the said police personnel. These are the allegations in the F.I.R.

4. From the F.I.R., it is crystal clear that the present applicant, at no point of time, obstructed the first informant. 5-6 persons who came in the said jeep have obstructed the first informant from discharging his duty. Further, from the F.I.R. it is clear that no efforts were taken by the first informant to get the identity of the pillion rider. Further, there are no allegations in the F.I.R. to show that the present applicant was in conscious possession of the country liquor. It is not the prosecution case, at least in the F.I.R., that the country liquor which was found in the said gunny bag is spurious one. In that view of the matter, custodial presence of the applicant is not necessary. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 38/2015 registered with Shirur Anantpal police station, District Latur for the offences punishable u/s 147,353,332,186 of the Indian Penal Code and u/s 65 (A) (E), 81 and 83 of the Bombay Prohibition Act, applicant Bhagwat s/o Bhaurao Shinde be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount.
- (iii) Present applicant shall attend Shirur Anantpal police station once in a week preferably on every Sunday between 3.00 – 5.00 p.m. till the charge sheet is filed.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]