

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

ANTICIPATORY BAIL APPLICATION NO.1443 OF 2015

Ravindra Anandrao More

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Shishir Hirey i/b. M/s. Jay & Co. for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

Mr. Shishirkumar Kailasrao Deshmukh, PSI Satana police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd NOVEMBER, 2015.

P. C. :

This is an application for pre-arrest bail filed by the Applicant herein in apprehension of his arrest in Crime No.I-162 of 2015 registered with City police station, Satana for the offences punishable under section 328 r/w. section 34 of the IPC and sections 65 (E) and 65 (F) of the Bombay Prohibition Act.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent-State.

3. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The records prima facie reveal that pursuant to the complaint dated 28th June, 2015 lodged by one Krishna Arjun Bhasare, police hawaldar of Satana police station, the aforesaid crime came to be registered against Sukhlal Arjun War and two other unknown persons. The complainant had stated that they had received information that said Sukhlal was involved in manufacturing of distilled liquor in contravention to the provisions of the Bombay Prohibition Act and hence, they had led a trap on the relevant day and caught said Sukhlal A. War while he was in the process of manufacturing the liquor. It is alleged that the other two persons who were assisting him ran away from the place of the incident.

5. The FIR does not attribute any specific role to the present Applicant. It is also to be noted that there is no prima facie material to indicate that the Applicant herein had administered or caused any person to take any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt. Hence, prima facie the offence under section 328 is not made out. The material on record prima facie reveals that the Applicant and his

mother had lodged several complaints against police officers of Satana police station. Considering all these aspects, in my considered view, this is not a case, which would justify custodial interrogation. The Applicant is the native of Taluka-Satana, District- Nashik and as such there are no chances of his absconding or fleeing from justice.

6. Under the circumstances, the anticipatory bail application is allowed on the following terms and conditions :

(i) In the event of arrest of the Applicant in Crime No.I-162 of 2015 registered with City police station, Satana, the Applicant be released on bail on furnishing bond of Rs,15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount to the satisfaction of the Judicial Magistrate, First Class, Satana.

(ii) The Applicant to report to the Investigating Officer for four days between 10.00 a.m. to 1.00 p.m. and further as and when required by the Investigating Officer for the purpose of the investigation and interrogation.

(ANUJA PRABHUDESSAI, J.)