

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

**CRIMINAL APPLICATION NO. 940 OF 2016**

Raosaheb s/o Prabhakar Sonawane,  
Age: 35 years, Occ: Farmer,  
R/o. Shirud, Tq. & Dist. Dhule.

...Applicant

versus

The State of Maharashtra

...Respondent

.....  
Mr. N.L. Chaudhari, Advocate for applicant  
Mr. M.M. Nerlikar, Addl. Public Prosecutor for respondent

.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 23rd FEBRUARY, 2016**

**ORAL ORDER :**

The applicant is seeking regular bail in Crime No. 316 of 2015 registered with Dhule Talkuka Police Station, District Dhule for the offence punishable under Sections 420, 328, 337, 338, 201, 304(II) read with Section 34 of Indian Penal Code and under Section 65(a)(b)(c)(d)(e) of the Bombay Prohibition Act.

2. The applicant herein came to be arrested on 03/01/2016. The allegations against the applicant are that the applicant is a member of group of the accused persons, who were instrumental for illegally manufacturing country liquor and marketing the same in the name of branded company.

3. The applicant was named as an accused after the raid was carried out and subsequent thereto during interrogation, name of applicant has transpired as an accused.

4. While trying to make out a case for grant of bail, Mr. Chaudhari, learned Counsel for the applicant would urge that the applicant is already subjected to custodial interrogation and now he is under M.C.R. According to him, the applicant is a businessman manufacturing bricks and running poultry farm and his further detention for unnecessary reasons will affect his business. In this background, he would urge that the applicant be released on bail imposing some terms and conditions, which he shall abide the same.

5. Learned A.P.P. opposed the application for bail on the ground that the evidence as collected during the investigation depicts *prima facie* involvement of the accused in crime in question. According to him, if the applicant is released on bail, further investigation will be hampered and there is sufficient evidence against him.

6. Perused the investigation papers.

6. Looking to the nature of allegations against the applicant, I am inclined to release the applicant on bail for following reasons:-

(a) that the applicant was subjected to custodial interrogation and is in M.C.R., nothing could be recovered from him so far as the crime in question is concerned,

(b) there is no past history of similar record as against the applicant,

(c) since the applicant held immovable property, he is always be available for further investigation and also for trial purpose.

7. In view of above, it will be appropriate, in my opinion, to order the release of the applicant. Hence, the following order:-

The applicant be released on bail in connection with Crime No. 316 of 2015 registered with Dhule Talkuka Police Station, District Dhule for the offence punishable under Sections 420, 328, 337, 338, 201, 304(II) read with Section 34 of Indian Penal Code and under Section 65(a)(b)(c)(d)(e) of the Bombay Prohibition Act, upon

furnishing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall not enter the jurisdiction of concerned police station till filing of the charge sheet and shall not tamper with the prosecution evidence.

8. The application is allowed in above terms.

**[ N.W. SAMBRE, J. ]**