

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4297 OF 2016

Sanjay s/o Murlidhar Patil

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. B.R. Waramaa.

APP for Respondent/State : Mrs. Vaishali N. Patil (Jadhav).

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CORAM : A. M. BADAR, J.

DATE : 25th AUGUST, 2016.

PER COURT :

1] The applicant/accused in crime no. 110 of 2016 registered with Parola Police Station, Parola, District Jalgaon for offences punishable under sections 420, 109 r/w. 34 of I.P.C., sections 65 (a) & (b) of the Bombay Prohibition Act, sections 62, 65 of Copy Right Act and Section 78, 79, 102, 104 of the Trade and Merchandise Mark Act, 1958, by this applications, is seeking bail.

2] Heard the learned counsel for the applicant/accused. He argued that the applicant was just grazing cattle in the field and he is falsely implicated in the crime in question. This case is lodged against the present applicant and the main accused who ran away from the spot is already released on bail.

3] Learned APP argued that, the incident in question had

happened in the ancestral field of family of the present applicant and he was very much found present in the process of manufacturing spurious liquor. Perused the papers of investigation. The F.I.R. in question is lodged by the Police Officer on the basis of information received by him and conducted raid in pursuance to that information. The police squad found material in huge quantity in a shed in the field owned by family of the present applicant. The applicant was very much present on the spot. In the wake of this, it cannot be said that false case is registered against the present applicant. The investigator had conducted spot panchnama and seized the entire material from the spot. Statement of witnesses are also recorded which shows presence of the applicant on the spot of incident where spurious liquor was found to be manufactured.

4] Be that as it may, now virtually the investigation for present applicant is already over. The trial will take its own time. Considering the nature of offence and as the co-accused are already released on bail, further pre-trial detention of the present applicant is not warranted and, therefore the order:-

ORDER

- i) The application is allowed.

ii) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing surety of the like amount.

iii) As a condition of this Order, applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant / accused shall cooperate for expeditious disposal of the trial.

vi) The applicant shall not repeat commission of similar type of offences in future.

vii] The Application stands disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE