

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.888/2016

Saurabh Raju Vidhate and 2 others Vs. State of Maharashtra, through P.S.O.,
P.S.Ramnagar, Chandrapur

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

Court's or Judge's orders.

Mr. A.K.Bhangde, Advocate for applicant.
Mr. A.M.Deshpande, A.P.P. for non applicant/State.

CORAM : S. B. SHUKRE, J.
DATE : OCTOBER 25, 2016

Heard the learned counsel for the applicant and the learned A.P.P. for non applicant/State. Perused the FIR, case dairy and the reply filed by the prosecution.

It is seen that illicit liquor has been seized. These applicants are in jail since 13.09.2016. It could not be ascertained from the case dairy as to who is the owner of the vehicle in question by which illicit liquor was being transported. It is mentioned in the case dairy that applicant No.3-Saharsh Hadake had informed the applicants that all of them should bring illicit liquor from Nagpur to Chandrapur by his vehicle. Except for this passing reference of the ownership of the vehicle, it appears that Investigating Officer has not collected any evidence regarding the

ownership of the vehicle. No registration documents could be seen to be present on the record. If it is found that owner of the vehicle is somebody else than these applicants, it would create doubt about the prosecution case as against these applicants. The custodial interrogation of these applicants also cannot be sought now.

In these circumstances, I am of the view that even though some offence has been registered against these applicants in the past, the same would not come in their way in securing their release on regular bail, especially when there is a doubt about the ownership of the vehicle in question. The application is, therefore, allowed.

It is, therefore, directed that the applicants be released on bail on their furnishing P.R.Bond in the sum of Rs.20,000/- together with one solvent surety in the like sum, on the condition that the applicants shall attend the courts dates regularly fixed in the matter; shall co-operate with the trial Court for expeditious disposal of the case and shall not tamper with the prosecution witnesses in any manner.

JUDGE

CERTIFICATE

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by: J.S.Andurkar.

Uploaded On:26.10.2016