

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

CRIMINAL APPLICATION NO. 1940 OF 2017

Raosaheb Genu Avhad .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Santosh S. Jadhavar, Advocate for the applicant.
Mr.A.B. Girase, Public Prosecutor for respondent/State.

CORAM : T.V. NALAWADE, J.
DATED : 28.04.2017

P.C. :-

1. This application is filed for bail in C.R. No.36 of 2017 registered in MIDC Police Station, Ahmednagar for offences punishable under sections 304, 328 read with section 34 of the Indian Penal Code. Both the sides are heard. The papers of investigation were made available for perusal of this Court.

2. The crime is registered on the basis of report

given by one Baban Avhad resident of Pangarmal, Dist. Ahmednagar that process of election to Zilla Parishad and Panchayat Samiti was going on and candidate Bhagyashri Mokate was contesting election to Jeurgad Zilla Parishad Constituency and Mangala Avhad was contesting election for Jeurgan Panchayat Samiti. There is allegation against applicant – Raosaheb Avhad that he is relative of Mahadeo, who is husband of Mangala. Due to that relationship, he was involved in election campaign. Both these candidates were contesting election on ticket of political party – Shivsena. So, on 12.02.2017, a party was arranged for voters and workers of the party in the premises of Mangala Avhad. The allegations are made that for the party, present applicant had brought bottles of liquor. There are statements of person like Vilas Avhad showing that liquor was supplied by present applicant and one Bhimraj. These persons along with other persons had arranged for procuring the liquor and the bottles were lifted from one canteen of Government hospital. There is allegation that said liquor was manufactured by

purchasing various articles from various places and the material like waste solvent, which is harmful, was used in the process of manufacture of the liquor.

3. Immediately after consuming the liquor and when party was over, the persons who had consumed liquor started complaining of abdominal pain and other things. Attempt was made to save life of these persons, but nine persons died due to the illicit liquor, two persons became blind and one person became paralyzed. Other persons also suffered but they fortunately did not get affected as others.

4. Learned Counsel for the applicant submitted that the applicant himself is also a victim and record shows that he was also required to take treatment. The applicant produced certificate of Deepak Hospital that he had undergone treatment in respect of same incident. On the other hand, learned A.P.P. produced on record a history sheet of the present applicant showing that in

the past he was involved in illicit liquor business. The learned A.P.P. drew attention of this Court to the statement of one Suman showing that everybody knew that present applicant was indulged in illicit liquor business. The fact itself that the liquor was procured from canteen of one hospital, is sufficient to infer at this stage that it was not manufactured by authorized factory under licence and it was not purchased from any authorized shop.

5. These days such instances are increasing. It may be due to hike in the prices of liquor. The political persons want to use liquor for canvassing and poor persons are allured as they are getting high price liquor for consumption at free of cost. Thus, poor persons are exploited by the political persons and poor persons lose their lives. As many as nine persons lost their lives in the present matter and it can be said that their families are destroyed. Some persons have become blind and others are still suffering due to other

ailments. Due to these circumstances, this Court holds that no lenient view can be taken in favour of such person. Similar minded persons need to learn lesson that they will go behind the bar and it will not be possible to come out of jail after they indulge in such activities. The persons who are involved in manufacture of illicit liquor show courage as they come out of jail after few months and they again start indulging in similar business. Such possibility cannot be ruled out in the present matter as against present applicant. There are nine homicides in the present matter and in view of the circumstance, this Court holds that it is not possible to use discretion in favour of the applicant. There is more possibility of tampering of prosecution witnesses. Such persons are wealthy and they have muscle power also. So, possibility of tampering of witnesses cannot be ruled out. In view of this, bail cannot be granted to the applicant, though he is behind the bar since 19.02.2017. In the result, the application stands rejected.

6. The observations made above are for the purpose
of bail application only.

[T.V. NALAWADE, J.]