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

CRIMINAL BAIL APPLICATION NO.791 OF 2017

Shivaji Bhagwan Maske

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.S.S.Aradhya, for the Applicant.

Mr.Y.M.Nakhwa, A.P.P. for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th MAY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.270 of 2010 registered with the Pandharpur Taluka Police Station, Solapur, for the alleged offences punishable under Sections 328 r/w 34 of the Indian Penal Code and under Section 65(e)(f)

(k) of Bombay Prohibition Act.

3. Learned Counsel for the applicant states that admittedly the applicant was not apprehended at the spot. He submitted that the name of the applicant was disclosed by one of the persons who was arrested on the spot. He submitted that although the incident took place in 2010, till 2017, the applicant was not apprehended, despite him being available and staying in the village.

4. Learned APP opposed the application. He states that there are six similar antecedents, qua the applicant.

5. Learned Counsel for the applicant disputes the said statement. He submitted that in all the six cases the applicant has been discharged from the said cases for want of evidence. The said statement is accepted.

6. Perused the papers. The incident in question has taken place on 5th October, 2010. It appears that the police on a secret information raided the premises at Laxmi Takli, Pandharpur and found that some

persons were manufacturing country liquor. After seeing the police, some of the accused ran away from the spot, however, the police grabbed one of the persons. The applicant is one of the persons who is alleged to have run away from the spot. Although, it is alleged that the applicant was absconding for 6 to 7 years, it appears that no steps were taken by the police to declare him as a proclaimed offender or to attach his property. Nothing has been recovered at the instance of the applicant. Investigation is complete and charge-sheet is filed.

7. Considering the role and material, qua the applicant, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 12:00 noon, till the

conclusion of the trial;

iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;

v) The Applicant shall co-operate in the conduct of the trial;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his release;

8. The Application is allowed and disposed of in above terms.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)