

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.21 OF 2017

(Pranay @ Shiva s/o Kishor Ramgiriwar vs. State of Maharashtra)

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

Shri A.R. Rishi, Advocate for applicant.

Shri S. Sirpurkar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 1, 2017

This application is filed by applicant for bail before arrest in Crime No. 6108/2016 registered under Section 65(e) of Maharashtra Prohibition Act.

Shri Rishi, learned Counsel for applicant, has submitted that raid was carried out in the house of applicant in his absence as at the time of raid on 5/12/2016, he was in one hotel for a meeting with reference to election of Nagar Parishad as his brother was contesting the same. It is contended that applicant is involved in this crime falsely due to political rivalry.

Shri Sirpurkar, learned Additional Public Prosecutor for respondent, has opposed the application as per reply contending that from the house of applicant, four bottles containing 180 ml of liquor in each are seized and as such, he is directly connected with the present crime.

Though above quantity of contraband liquor is seized from the house of applicant, admittedly he was not present in his house so also it is not the case of prosecution that it is applicant alone, who is staying in

his house. Record reveals that by interim order dated 12/1/2017 applicant was protected from his arrest with direction to applicant to attend Investigating Officer on particular dates and thereafter as and when called till the next date. Applicant has placed on record affidavit contending that though as per said order, he was directed to attend Investigating Officer on 13th to 15th January 2017, hamdast was received by him on 17/1/2017 and same was submitted to concerned Police Station and thereafter applicant was never called for the purpose of investigation by the Investigating Officer till today. It is, therefore, apparent that no custodial interrogation of applicant is necessary.

With regards to case of prosecution about applicant's involvement in similar offences earlier as per chart filed at Annexure R-I, it is stated by learned Counsel for applicant that out of six offences, applicant is acquitted in offences at serial nos.1 to 5 and remaining one is pending, which is of year 2015. Learned Counsel for applicant has also provided copies of judgments to learned Additional Public Prosecutor in support of above claim.

In that view of the matter, interim order dated 12/1/2017 passed by this Court stands confirmed with same terms and conditions with further direction to applicant to attend Investigating Officer, if required, till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

khj