

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

CRIMINAL APPLICATION (BA) NO.195 OF 2017
(Banti s/o Ramdas Bitturwar vs. The 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 M.V. Rai, Advocate for applicant.

Shri A.M. Deshpande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 16, 2017

This is an application for bail in Crime No.143/2017 registered under Sections 65(e) and 88 of the Maharashtra Prohibition Act and Section 188 of Indian Penal Code.

Shri Rai, learned Counsel for applicant, has submitted that co-accused are already released on bail and since investigation is on the verge of completion and contraband liquor is seized from the spot, there is no purpose in keeping applicant behind bars.

Shri Deshpande, learned Additional Public Prosecutor has opposed the application contending that there are two offences registered against applicant under Maharashtra Prohibition Act in Chandrapur and two other offences are registered against applicant with other Police Stations. It is contended that if applicant is released on bail, there is every possibility of his indulging in similar acts of importing contraband liquor in Chandrapur District.

Considering the fact that investigation is almost complete and co-accused are released on bail by learned trial Court, criminal application is liable to be allowed and apprehension raised by learned Additional Public Prosecutor can be taken care of by imposing conditions as per order below :

Applicant shall be released on bail on his executing a P.R. bond in the sum of Rs.25,000/- with one surety in like amount. While on bail, applicant shall not enter Chandrapur District except for attending Court cases, which are pending against him and to mark his attendance with Police Station, Ramnagar, Chandrapur on first day of each month pending present trial. Applicant shall produce proof of his residence to Investigating Officer and Police Station within whose jurisdiction he prefers to reside outside Chandrapur. In the event applicant is found indulging in commission of similar offences, present bail shall stand cancelled automatically.

The criminal application is accordingly allowed.

JUDGE

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