

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

CRIMINAL APPLICATION (ABA) NO.273/2017

Shrawankumar S/o Vijaykumar Jaiswal

..Vs..

State of Maharashtra, through its P.S.O., P.S., Ballarpur, Tah. Ballarpur, Distt.
Chandrapur

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

Court's or Judge's orders

Shri I.S. Charlewar, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 10.7.2017.

Heard.

Apprehending arrest in connection with crime registered for the offence punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code, the applicant has sought pre-arrest bail.

According to the investigating agency, on receiving information a raid was conducted at the house of Asha Naitam and liquor worth Rs.5,33,500/- was seized and on interrogation Asha disclosed that the stock of liquor belong to Siddharth @ Bapu Rangari and the present applicant.

The application is opposed on the ground that the investigation is in progress and custodial interrogation of the applicant is necessary. The learned A.P.P. has pointed out that earlier 4 crimes for similar

offence and offence punishable under Sections 324, 147, 148, 149 read with Section 4/25 of the Arms Act and under Sections 342, 353, 186, 188 read with Section 34 of the Indian Penal Code are registered against the applicant.

The learned Advocate for the applicant has submitted that the applicant is falsely implicated in the earlier as well as the present crime. It is argued that this Court has granted protection to the applicant by order passed on 21st April, 2017 imposing condition of attendance at the police station and the applicant has complied with the order passed by this Court. It is submitted that the non-applicant has not been able to point out that custody of the applicant is required for investigation.

In paragraph No.6 of the application the applicant has made a misleading statement as follows:

“6) That, the applicant submits that there are no previous conviction to the credit of the present applicant.”

The applicant had suppressed that other crimes are registered against him.

It appears that the order dated 21st April, 2017 is passed because of the misleading statement made in paragraph No.6 of the application.

The learned Advocate for the applicant has submitted that the fact that other crimes are registered against the applicant were on record when order dated 21st April, 2017 is passed inasmuch as copy of say of investigating agency filed before the Sessions Court

referring to the criminal antecedents of applicant was before the Court when the order came to be passed on 21st April, 2017. The submission is misdirected. In paragraph No.6 of the application specific statement is made that there had been no previous conviction to the credit of the present applicant, suppressing the fact that earlier crimes are registered against the applicant.

Accepting the statement made on behalf of the investigating agency that the investigation is in progress, other crimes are registered against the applicant and in the facts of the case, I am not inclined to grant the prayer made in the application. The application is **dismissed**.

JUDGE