

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 604 OF 2017

(Ashok S/o Pochya Panem..vs..State of Maharashtra, through
PSO.PS.Aheri,District-Gadchiroli)

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

Court's or Judge's orders.

Shri Abhijeet Sambre, Advocate for applicant.
Shri J.Y.Ghurde, A.P.P. for State- non-applicant.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2017

This is an application for pre-arrest bail.

Heard learned counsel for applicant and learned
A.P.P. for State-non-applicant.

The reason for approaching before this Court for
applicant is that he is apprehending his arrest in connection
with Crime No.84/2017, registered with P.S.Aheri,District
Gadchiroli , for the offence punishable under Section
65(e)r/w Section 83 of Bombay Prohibition Act.

According to prosecution on 20/7/2017 the police
got information about the storing of the liquor in the house of
accused Renuka Kanhaiya Malvi , resident of Laxmipur,Tahsil
Aheri,District-Gadchiroli. Accordingly, police conducted a raid
and search the house of Renuka. That time stock of foreign
liquor was found to be stored in the house of said Renuka. She
was arrested. According to prosecution during the
interrogation she disclosed the name of the present
applicant.

The present application for anticipatory bail is
opposed by the prosecuting agency on the ground i) the name

of the present applicant is disclosed by co-accused Renuka and ii) the applicant is having past criminal record at his discredit.

A statement made by the co-accused can never be admissible. The statement made by the co-accused can at the most give lead to the investigating officer, therefore it is expected from the investigating officer to make further investigation by taking the clue from the said statement of co-accused. In the present case, learned A.P.P. clearly states that after having gone through the investigation papers which were presented in his hand by the investigating officer after getting clue from the co-accused investigating officer has not investigated the matter in a direction by which it can be said that there exists some other independent material against the present applicant to implicate him in the present crime. In view of this, in my view, the statement of co-accused is hardly have any support to the prosecution case.

In so far as, previous antecedents of the present applicant are concerned though they are previous antecedents that by itself the applicant will not be disentitled to get himself release on anticipatory bail, unless it is shown that in a present crime, he is having his complexity. In that view of the matter, say is also not helpful to the prosecution.

While granting ad-interim bail in favour of the present applicant by this Court on 22/8/2017, this Court has directed the applicant to attend P.S.Aheri on 26/8/2017, 27/8/2017 and 28/8/2017 and shall remain in police station from 11.00 a.m. to 5.00 p.m. According to learned counsel for applicant the applicant has attended the said police station. He has maintained the diary of the said which was produced

at the time of hearing of the present application which shows that the diary is duly signed by the investigating officer himself. In that view of the matter the further custodial presence of the applicant is not necessary. Hence, order.

ORDER

- I) Application is allowed.

- II) In the event of arrest of applicant Ashok Pochya Panem in Crime No.84/2017, registered with P.S.Aheri, District Gadchiroli , for the offence punishable under Section 65(e)r/w Section 83 of Bombay Prohibition Act he shall be released on bail on he executing P.B. of Rs. 25000/- with one solvent surety in the like amount .

- III) The application is dispose of.

JUDGE

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