

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.710 of 2017
[Shankar Sukhdeo Roy Vs. State of Mah., Chamorshi PS, Distt. Gadchiroli]

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

Court's or Judge's orders

Mr. R. R. Vyas, Adv., for the Applicant.
Ms. Kalyani Deshpande, APP for non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 12th October, 2017

The applicant apprehends his arrest in connection with Crime No.269/2017 registered at Chamorshi Police Station, Distt. Gadchiroli, for the offences punishable under Sections 65 (a), 98 (c) and 83 of the Maharashtra Prohibition Act.

As per the First Information Report, on 31st August, 2017, the raiding party found four persons unloading some liquor boxes. Three of them were arrested on the spot. The name of the fourth accused was stated to be that of the applicant. On that basis, a crime came to be registered.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. His name has been stated by the co-accused. The vehicle in question

which was seized also does not belong to him. It is, therefore, submitted that the applicant is entitled for grant of protection.

The application is opposed by the learned APP by filing reply. It is submitted that considering the value of the liquor seized, the custodial interrogation of the applicant is necessary. It is, however, submitted on instructions that the vehicle in question does not belong to the present applicant. Reference is made to antecedents of the applicant.

Perused the First Information Report as well as reply filed.

The said report indicates name of the applicant being stated by the co-accused. The applicant herein is not the owner of the vehicle by which the liquor was being transported. As regards the applicant's antecedents, the applicant has been acquitted in eight of the offences while three are pending.

Considering the material on record, the applicant can be directed to co-operate with the investigation by granting him protection.

In the event of applicant's arrest in connection with Crime No. 269/17 registered at Chamorshi Police Station, Distt. Gadchiroli, for the offences under Sections

65 (a), 98 (c) and 83 of the Maharashtra Prohibition Act, he shall be released on bail on furnishing a Personal Bond of Rs.20,000/- [rupees twenty thousand only] with one surety in the like amount. He shall attend the concerned Police Station on 27th October, 2017 and thereafter as per the directions of the Investigating Officer. No steps be taken to influence the prosecution witnesses. The observations made in this order are only for deciding this pre-arrest bail application.

Application is disposed of in aforesaid terms.

Judge

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