

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

CRIMINAL APPLICATION (ABA) NO.757 OF 2017

1. Mujir s/o Jindavali Sheikh

2. Abdul Karim s/o Mohammad Usman, Ballarpur, Dist. Chandrapur

-vs-

State of Maharashtra, Thr. PSO, PS Ballarpur, Dist. Chandrapur

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

Court's or Judge's Orders.

Shri Abhay Sambre, Advocate for applicants.

Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 20, 2017

Heard.

The applicants apprehend their arrest in connection with Crime No.918/2017 registered with Police Station Ballarpur , Dist. Chandrapur for the offence punishable under Section 65(e) of Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code.

As per the First Information Report dated 14/09/2017, on the basis of information received a raid was conducted at the residence of one Smt Chhabutai Randive. A stock of liquor was found at her place and according to her the present applicants and two others used to regularly supply the liquor. On this basis a report came to be lodged.

It is submitted on behalf of the applicants that the applicants have been unnecessarily implicated in the offence.

The only ground for such implication is the earlier reports lodged against them. According to the applicants they have been granted protection in earlier offences. Merely on the basis of the statement of co-accused, action is sought to be taken against the applicants. It is further submitted that after grant of interim protection, the applicants have cooperated with the Investigating Officer.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that the applicants are habitual offenders and they do not deserve any protection. As the investigation is not yet complete, the application deserves to be rejected.

Perused the First Information Report as well as other police papers. The applicants have been named in the present offence by the co-accused from whom the liquor was seized. Though there are earlier offences registered against the applicants, they are of the year 2015. Considering the fact that the liquor in question has already been seized and the basis for proceeding against the present applicants is on the strength of statement of co-accused, a case has been made out for grant of protection.

Accordingly in the event of arrest of any of the applicants in connection with Crime No.918/2017 registered with Police Station Ballarpur, Dist. Chandrapur for the offence punishable under Section 65(e) of Maharashtra Prohibition Act read with Section 188 of the Indian Penal Code, they shall be released on

bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with one surety each in the like amount.

The applicants shall attend the concerned police station on 29/11/2017 between 11 am and 1 pm and thereafter as per the directions of the Investigating Officer and shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE