

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

CRIMINAL APPLICATION (ABA) NO.828 OF 2016
(Shri Dhanraj s/o Maroti Nimgade vs. 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 S.O. Ahmed, Advocate for applicant.

Shri C.A. Lokhande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 06, 2017

Heard learned Counsel for both sides.

This is an application for anticipatory bail by
accused involved in Crime No.115/2016 registered for
the offences punishable under Sections 65(a) and (e)
and 83 of Maharashtra Prohibition Act and Section 188
of Indian Penal Code.

Shri Ahmed, learned Counsel for applicant,
submits that applicant's name is not mentioned in the
first information report, but he is apprehending arrest on
the basis of statement of co-accused, who is alleged
to be supplier of seized quantity of contraband liquor. It
is submitted that by interim order dated 16/12/2016
applicant was directed to attend Investigating Officer
and he has complied with the said order and as such,
application may be allowed.

Shri Lokhande, learned Additional Public
Prosecutor for respondent, has opposed the application
on the ground that applicant is involved in similar
offences under Maharashtra Prohibition Act committed

within Chandrapur District and has been released on bail recently by learned Sessions Court in Crime No. 277/2016 registered by Gondpipri Police Station. As per prosecution, apart from offence punishable under Section 354 of Indian Penal Code, three offences are registered against applicant under the Maharashtra Prohibition Act.

Having considered the facts as aforesaid, application is liable to be allowed by imposing conditions as per order below :

Interim protection granted to applicant by order dated 16/12/2016 stands confirmed with further direction to applicant to attend Investigating Officer, if called, till filing of charge-sheet. Applicant shall not enter territorial limits of Chandrapur District except for attending the Court cases, which are pending against him, till filing of charge-sheet. In the event applicant is found involved in similar offences, he will not be entitled for grant of bail. The criminal application is disposed of accordingly.

JUDGE

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