

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

CRIMINAL APPLICATION (BA) NO.1094 OF 2016
(Maroti s/o Suresh Serkure vs. The 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 Mahesh Rai, Advocate for applicant.
Shri C.A. Lokhande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 18, 2017

Heard Shri Rai, learned Counsel for
applicant, and Shri Lokhande, learned Additional Public
Prosecutor for respondent.

This application is filed for bail by accused
involved in Crime No.414/2016 registered under Section
65(e) of the Maharashtra Prohibition Act and Section
188 of Indian Penal Code.

Shri Rai, learned Counsel for applicant, has
submitted that involvement of applicant is only on the
basis of statement of co-accused.

Said case of applicant finds substantiated
from the report wherefrom it is found that on
information, when raid came to be carried out at the
house of co-accused Lalita Thakur, 201 and 35 bottles
containing 180 ml. liquor came to be seized from her
house. During the course of interrogation, from the
statement of co-accused Lalita Thakur, involvement of
applicant is disclosed. As such, except for statement of
co-accused, there is no other evidence on record

establishing involvement of applicant in this crime.

However, from the reply, it is found that in addition to present crime, applicant is involved in 6 crimes registered by Police Station, Rajura and Virur. It is, therefore, found that applicant is habitual in committing crime contravening provisions of Maharashtra Prohibition Act while on bail in earlier crimes. In the circumstances, having considered available evidence against applicant, though he is entitled to bail, criminal application is liable to be allowed by imposing conditions as per order below :

Applicant shall be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with one surety in like amount. Applicant shall not stay in Chandrapur District till decision of all criminal cases filed against him including Crime Nos.6164/2015, 6163/2015, 6208/2015, 290/2016 and 414/2016 registered by Police Station, Rajura and Crime No.117/2016 registered by Police Station, Virur. While on bail, applicant shall mark his presence once in every month with Police Station within whose jurisdiction he would prefer to reside pending aforesaid cases. Applicant shall supply proof of his residence to concerned Police Station as well as Police Station, Rajura and Police Station, Virur and shall update the same in the event of any change therein. The criminal application is accordingly allowed.

JUDGE

khj