

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

CRIMINAL APPLICATION (BA) NO.1095 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.394/2016 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 only involvement of applicant is that he is
owner of Maroti Dhaba where according to report, two
persons were informed to be arriving with contraband
liquor. It is submitted that merely because applicant is
owner of same place where accused were likely to
commit some offence, applicant, in that capacity, cannot
be said to be involved in the crime.

Shri Lokhande, learned Additional Public
Prosecutor for respondent, has not disputed the aforesaid
fact.

On perusal of report, it is found that information was received by Police on 13/8/2016 that two persons would visit Maroti Dhaba with contraband liquor and in a trap laid, two such persons were found, who had arrived at that place and on seeing Police personnel, threw away one parcel and ran away on motor-cycle. On obtaining search of such parcel, same was found containing 130 bottles of liquor having 180 ml. liquor in each bottle. Except for above, no involvement of applicant is seen.

Shri Lokhande, learned Additional Public Prosecutor for respondent, has further opposed the application on the ground that present offence is committed by applicant while on bail in five similar offences committed by him.

Having considered said aspect, it is clearly established that applicant is involved in such crime while on bail and as such, has misused the liberty granted to him. In that view of the matter and since all the crimes are found to have been committed within Chandrapur District where applicant is found residing at village Lakkadkot, Taluq Rajura, application is liable to be allowed by imposing suitable 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

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