

FARAD CONTINUATION SHEET No. conditin conditinIN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1254 OF 2017

Ramanna M. Rachakonda vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Veena Thadani with Priyanka Raul for the Applicant.

Mr. S.S.Hulke, APP. for the State.

CORAM : A.S.GADKARI, J.**DATE : 31st January, 2018**

P.C:

1. By a reasoned order dated 20.7.2017 the applicant was granted interim relief.
2. It is a matter on record that, the deceased consumed toddy in the shop of applicant on 15.5.2016 and died on the 16.5.2016. That, the Investigating Agency collected the sample of toddy from the shop of the applicant on 16.5.2016 and it was sent for analysis to the Forensic Science Laboratory on 16.5.2016. The report from Hafkine Institute, Chemical Testing Department was received by the Investigating Agency on 23.6.2016 indicating that 0.1% of alcohol v/v was present in the said sample. In the premises, the first information report is lodged on 19.6.2017 i.e. approximately after the period of one year. It is submitted by the learned counsel for the applicant that on the date of incident i.e. on 15.5.2016 the applicant sold about 280 liters of toddy to various customers and it is only the deceased who has been reported to have suffered with adverse

reaction of the same. She further submitted that the sample of toddy is collected by the investigating agency on 16.5.2016 i.e. after the next day and while taking sample from the shop of the applicant the concerned authority did not follow the necessary rules prescribed for collecting the sample.

3. In view of the above, the applicant is entitled to be protected by pre-arrest bail.
4. The interim relief granted by an order 20.7.2017 is hereby confirmed. However, the condition to attend the Investigating Officer /concerned police station is waived.
5. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)