

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

CRIMINAL APPLICATION (BA) NO.719 OF 2018

(Raju Kondya Talapalliwar Vs. State of Maharashtra thr. PSO PS Pauni, Tah. Pauni,
Dist. Bhandara)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri A.A. Dhawas, Advocate for Applicant.
Shri N.H. Joshi, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 31st JULY, 2018.

The applicant is seeking regular bail in connection with Crime 184/2018 registered with the Police Station Pauni, District Bhandara for offence punishable under section 65(e) of the Maharashtra Prohibition Act.

2] The learned A.P.P. is opposing bail principally on the ground that the applicant is a habitual offender and there are as many as 16 prosecutions to his discredit. In few of these 16 prosecutions, the applicant is acquitted. However, the fact that 16 prosecutions are instituted shows that the applicant has propensity to be repeat offender, is the submission.

3] The apprehension of the learned A.P.P. that if the applicant is released on bail he would commit similar offence, is not unfounded. However, the balance between individual liberty of the applicant and this apprehension shall have to be struck.

4] The application is allowed subject to the following conditions:

- [i] The applicant be released on bail subject to he furnishing cash security of Rs.1 lacs and additionally a solvent surety of like amount.
- [ii] If any crime is registered under the provisions of the Maharashtra Prohibition Act against the applicant after this order, the bail granted shall *ipso facto* be liable to be cancelled.
- [iii] If the applicant does not attend the dates of hearing or commits breach of the conditions imposed by this order, the cash security shall be forfeited forthwith.
- [iv] It is clarified that even one default in appearing before the Court shall entail immediately forfeiture of the cash security, unless the applicant is exempted from appearance by the Trial Court.
- [v] The applicant shall not tamper with the evidence nor shall applicant directly or indirectly attempt to influence the witnesses in any manner.

JUDGE