

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.162 OF 2019

Suresh Kapoorchand Rathod	..	Applicant
Vs.		
State of Maharashtra	..	Respondent

Mr.Vijaykumar R. Garad for the applicant.
Mr.Rajan Salvi, APP for respondent-State.

CORAM : P.N. DESHMUKH, J.
DATE : 27th March 2019

P.C.:

1. Heard learned counsel for applicant, learned APP for respondent-State. This application is for anticipatory bail in C.R. No.157 of 2018 registered with Solapur Taluka Police Station, Solapur for the offences punishable under Sections 353, 332, 323, 143, 147, 148, 139, 504, 506 of IPC.

2. Learned counsel for applicant for the purpose of present application heavily relied upon observations made by learned trial Court passed in Anticipatory Bail Application No.313 of 2018 filed by applicant in another crime, where in paragraph 5 thereof, it is observed that police had not exactly seen who was the person allegedly preparing illicit liquor.

Relying upon such observations, learned counsel for applicant has prayed for bail before arrest.

3. Having considering submissions advanced as aforesaid, perusal of report lodged by Rahul Shivaji Kore, Police Constable, bukke No.1577 specifically reveals applicant's involvement as he is found present at the spot where illicit liquor was manufactured, unlike observations of learned trial Court in other crime registered against him in which he is granted bail.

4. In that view of the matter, no case is made out for grant of bail before arrest as even otherwise applicant's involvement is further established when he is found to have obstructed police personnel while on duty who had raided the spot and found accused along with other co-accused involved in manufacturing of illicit liquor and while police officers who have raided the spot were taking away seized material in Bolero car, applicant arrived on his two wheeler and on intercepting the raiding team officers, questioned them saying why they are taking away said articles and accordingly on the basis of report lodged by one of members of raiding team, offence is registered.

5. Considering involvement of applicant as aforesaid, no case is made out, in fact, applicant's custodial interrogation is found necessary. Application is thus rejected.

P.N. DESHMUKH, J.