

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1291 OF 2019

Surekha Ramesh Jadhav & Ors.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Ritesh Thobde, Advocate for the Applicants.
Mr. Prashant Jadhav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 21 JUNE, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.207/2019 registered with Solapur Taluka Police Station, District Solapur u/sec. 353, 332, 506, 109, 143, 145, 147 and 149 of I.P.C. and under Section 65 (e) of the Maharashtra Prohibition Act.

2. The case of the prosecution is that the police party had gone to the house of one Raju Limbaji Pawar to arrest him, because he was an accused in C.R. No.450/2017 of Solapur Taluka Police Station which was registered u/sec. 328 of I.P.C. and u/sec. 65 (f) of the Maharashtra Prohibition Act. At that time, when they entered the

house, police party found out that there were articles where illicit liquor was stored. When the police party was in the process of seizing these articles and taking them away, about 4 to 5 women came there and obstructed the police party. They started throwing plastic articles on the police party. They were abusing API Birajdar and other police officers. When the police tried to arrest them, they ran away from the spot. On this basis, the FIR was lodged.

3. Heard Mr. Ritesh Thobde, Ld. Counsel for the Applicants and Mr. Prashant Jadhav, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, looking to the allegations mentioned in the FIR, the offence u/sec. 353, 332 of I.P.C. is not made out. The identity of the applicants is not established. He submitted that the offence is a minor offence.

5. As against this, Ld. APP submitted that the entire incident is captured on video recording and the video recording shows presence of these applicants.

6. Considering the fact that, the act of the applicants is captured by video shooting, there is no escape from the fact that the present applicants were involved in the present crime. Therefore, there is no merit in the argument that the present applicants are not involved and are falsely implicated. The offence as alleged in the FIR is clearly made out, for which the custodial interrogation is required. It is necessary to find out why they were obstructing any action in respect of the illicit liquor which was stored in that house. In this view of the matter, there is no merit in the application. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)