

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

Criminal Application (ABA) No. 352 of 2019

Banti Manapure

Vs.

State of Mah. Through P.S. Kurkheda Dist. Gadchiroli

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

Court's or Judge's orders

Mr. A.C. Jaltare, Advocate for applicant
Mr. M.J. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 8, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 20/03/2019, pertaining to offences under Sections 65(A) and 83 of the Maharashtra Prohibition Act, 1949. As per the report leading to registration of FIR, a vehicle carrying contraband liquor was sought to be intercepted when the person driving the vehicle abandoned it and ran away. Another person who was found to be roaming in suspicious condition around the vehicle was arrested and he stated that contraband liquor was transported from Gondia to district Gadchioroli, which is a dry district.

2. The material on record shows that the statement made by the said arrested person some time

in May, 2019, revealed that the contraband liquor belonged to one Rahul Tembhurne and his associate i.e. applicant Banti Manapure. It is pointed out on behalf of the applicant that the FIR does not name him as an accused and that it is only the statement of the arrested accused that has led to the police taking action against the applicant. It is pointed out that the applicant is not even owner of the said vehicle.

3. In these circumstances, on 13/06/2019, while issuing notice, this Court granted ad-interim protection to the applicant in the following manner.

“Hence, in the event the applicant is arrested in Crime No. 48 of 2019, registered in Police Station Kurkheda, District Gadchiroli, he shall be released on bail on furnishing P.R. Bond of Rs.50,000/- and surety in the like amount. The applicant shall report to the Police Station Kurkheda, District Gadchiroli once a week i.e. on Sunday between 10.00 am and 5.00 pm. He shall cooperate with the investigation and he shall not tamper with the evidence or influence witnesses.”

4. There is no serious dispute about the fact that the applicant has been attending Police Station, as directed by this Court, but, in the reply handed over by the learned APP, which is taken on record, it is stated in paragraph No.5 that the applicant has been involved in three earlier cases pertaining to similar offences. It is pointed out that if the applicant is granted relief in the present case, he would again indulge in such

activity.

5. Considering the aforesaid material, this Court is of the opinion that the interim protection granted to the applicant by order dated 13/06/2019, deserves to be confirmed on additional condition. Accordingly, the present application is allowed and the interim protection granted to the applicant is confirmed subject to further condition that if in the future the applicant is found to have indulged in similar activity, the interim anticipatory bail granted to him shall stand cancelled.

6. Needless to say that the applicant shall continue to attend the Police Station, till filing of chargesheet and that he shall continue to co-operate with the investigation.

JUDGE