

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

Criminal Application (BA) No.434 of 2019
(Rajesh Darbarsingh Thakur and others .vs. State of Maharashtra through
PSO PS Chandrapur City, Dist. Chandrapur.)

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

Court's or Judge's orders.

Mr. R.R. Vyas, Advocate for Applicants.
Mr. N.R. Rode, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : June 07, 2019.

The applicant herein has filed the present application seeking bail in respect of the FIR dated 04.05.2019 registered against them in Police Station Chandrapur City, Chandrapur, for offences under Sections 65(3) and 83 of the Maharashtra Prohibition Act, 1949 and Section 188 of the Indian Penal Code.

2. It is the case of the applicants that the registration of the aforesaid FIR is nothing but a counter blast because brother of the applicants had repeatedly approached the Police Authorities complaining that the complainant in the FIR, a Policeman attached to the Local Crime Branch and his associates were involved in illegal sale of liquor in district Chandrapur, although there was prohibition in the said district. The copies of the said complaints submitted by the brother of the applicants have been placed on record. All these complaints are prior to registration of FIR on 04.05.2019.

3. It is pointed out that the complainant herein is

one of the said Policeman and the details of the report leading to registration of the FIR shows that the other Policeman against whom said complaint had been submitted, was part of the raiding party which allegedly apprehended the applicants with large amount of liquor stacked in their vehicle. On this basis, it was submitted that the present case was a clear case of false implication because the complainant had a grudge against the applicants.

4. On 21.05.2019 while issuing notice, this Court granted interim bail to the applicants in the following manner:-

"The applicants be released on interim bail on execution of P.R. bond and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand Only) each on following conditions.

(a) The applicants shall not tamper with the evidence or the prosecution witnesses.

(b) The applicants to cooperate the Investigation Officer for investigation.

(c) The applicants shall not leave the jurisdiction of this Court without prior permission of the concerned Investigation Officer."

5. The non-applicant/State has filed reply to the present application but no specific grounds have been made out as to why custody of the applicants is required, other than showing that further investigation was necessary in the matter. Considering the material placed on record by the applicants, the case for grant of bail is made out.

6. Accordingly, the applicants are granted bail on the conditions on which they were granted interim bail by order dated 21.05.2019 and the present application stands allowed in above terms.

JUDGE

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