

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

Criminal Application (ABA) No.372 of 2019
(Sinu s/o Siddhaiya Koyadwar .vs. State of Maharashtra through PSO PS
Sindewahi, Dist. Chandrapur.)

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

Mr. R.D. Gulhane, Advocate for Applicant
Mr. N.R. Rode, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 24, 2019.

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 13.05.2019 registered for offences under Sections 188 of the Indian Penal Code and Section 65-A and 83 of the Maharashtra Prohibition Act, 1949.

2. As noted in the order dated 16.06.2019 when ad-interim protection was granted to the applicant, the name of the applicant is not stated in the FIR and it is claimed that the person transporting contraband liquor had stated that the said liquor was supplied by the applicant herein. It is pointed out by the applicant that he has regular wine bar in Bhandara district where there is no prohibition and other than the statement of the named accused person, there is nothing to connect the applicant with the contraband liquor. The said liquor has been already seized, which is said to be worth Rs.86,400/-.

3. In these circumstances, the applicant had been granted ad-interim protection by order dated 18.06.2019 in the following manner:-

"6. In these circumstances, a case for grant of ad interim protection is made out. Hence, in the event the applicant is arrested in Crime No.265 of 2019 registered in Police Station Sindewahi, District Chandrapur, he shall be released on furnishing PR Bond of Rs.50,000/- and the surety in the like amount. The applicant shall cooperate with the investigation and he shall remain present in Police Station Sindewahi, District Gadchiroli once a week i.e. on Sunday between 10.00 am to 5.00 pm. The applicant shall not tamper with evidence and influence the witnesses."

4. In the reply filed on behalf of the non-applicant/State, it is pointed out that apart from the said crime, there is one more FIR registered against the applicant and other accused persons at Police Station Pathri for similar offences. On this basis, the learned APP opposed grant of relief in the present application.

5. There is no dispute about the fact that the applicant has been abiding by the conditions imposed by this Court by order dated 18.06.2019 while granting ad-interim protection. Considering the fact that the name of the applicant did not find mention in the FIR and it is only on the statement of the named accused persons that he is being proceeded against, as long as the applicant continues to cooperate with the investigation, it appears that the present application can

be allowed.

6. Accordingly, the application is allowed and the ad-interim protection granted to the applicant stands confirmed on the conditions specified in order dated 18.06.2019. An additional condition would be that if the applicant is found to indulge in any activity concerning offences under the Maharashtra Prohibition Act, 1949, the relief granted by this order shall stand recalled.

JUDGE

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