

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

Criminal Application (BA) No.538 of 2019
(Lokesh Rajesh Bhaisare .vs. State of Maharashtra through PSO PS
Samudrapur, Dist. Wardha.)

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

Court's or Judge's orders.

Mr. A.A. Naik, Advocate for Applicant
Mr. J.Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 31, 2019.

The applicant has approached this Court for grant of bail as he stood arrested on 23.10.2018 in connection with first information report (FIR) dated 08.09.2018 registered against him and one other accused person for offences under Sections 307, 332 of the Indian Penal Code as also Sections 65(a), 65(e) and 77(a) of the Maharashtra Prohibition Act, 1949 and Sections 119 and 184 of the Motor Vehicles Act, 1988.

2. The allegation against the applicant is that he was travelling in a vehicle driven by the co-accused, in which liquor was being illegally transported. On the Police confronting the said vehicle, it is alleged that it was driven away at a high speed dashing police vehicle. It is further alleged that the co-accused and the applicant abandoned the vehicle and fled away.

3. It is pointed out by the learned counsel for the applicant that the co-accused i.e. driver of the vehicle was granted bail by this Court on 21.06.2019. It is further pointed out that it was only statement of the co-

accused driver which was the basis of including the name of the applicant as an accused in the present case.

4. Although the learned APP has opposed grant of bail in the present case, considering the fact that co-accused has been already granted bail and the main allegation appears to be against the co-accused who was driving the vehicle, the present applicant, even if it appears that he was travelling in the same vehicle, deserves to be granted bail.

5. Accordingly, the present application is allowed and the applicant is directed to be released on bail in Crime No. 489 of 2018 registered at Police Station Samudrapur, district Wardha, on the following conditions:-

(a) The applicant shall furnish P.R. Bond of Rs.25,000/- with surety in the like amount.

(b) The applicant shall attend the Trial Court on each and every date of the proceedings.

(c) The applicant shall not tamper with the evidence or influence the witnesses.

(d) If the applicant is found to have indulged in business of illegal liquor in future in any manner, the present order of grant of bail shall stand recalled.

6. The observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE