

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

CRIMINAL APPLICATION (ABA) NO.559/2019

Gajanan Shyamrao Bharadkar .vs. State of Maharashtra through
PSO P.S. Bhadravati, Tq. Bhadravati, Dist. Chandrapur.

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

Mr. N. D. Khamborkar, Advocate for applicant.
Mr. S. M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 9, 2019

Heard Mr. Khamborkar, learned counsel for applicant and Mr. Ghodeswar, learned A.P.P. for non applicant-State.

This is an application for anticipatory bail since applicant is apprehending his arrest in connection with Crime No.385/2019 registered with Police Station, Bhadravati, Dist. Chandrapur for an offence punishable under Section 65-A of the Maharashtra Prohibition Act along with Section 188 of the Indian Penal Code.

Application is opposed mainly on two grounds; (i) prior criminal antecedents against present applicant and (ii) custodial presence of applicant is necessary to know where contraband liquor was to be delivered.

This Court (Coram: Manish Pitale, J.) granted interim protection on 09.08.2019 with a direction to attend Police Station. Accordingly, applicant has attended Police Station and even he

was interrogated and his statement is also recorded.

Merely because the offences are registered that itself cannot be the sole criterion for rejection of the bail, if there are no admissible evidence in a case wherein the applicant is seeking bail.

In the present case, learned A.P.P. could not point out any independent evidence except statement of co-accused, which is inadmissible in evidence to connect the present applicant in crime. Applicant has already attended Police Station and he is already interrogated.

In that view of the matter, application is required to be allowed. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.385/2019 registered with Police Station, Bhadrawati, Dist. Chandrapur for an offence punishable under Section 65-A of the Maharashtra Prohibition Act along with Section 188 of the Indian Penal Code, applicant-Gajanan Shyamrao Bharadkar be released on bail on he executing P.R. Bond in sum of Rs.50,000/- with one solvent surety in like amount.
- (iii) Applicant is directed to attend Police Station, Bhadrawati, twice a week i.e. on Tuesday and Sunday and shall be with investigating officer from 11:00 a.m. to 05:00 p.m., till the filing of

charge-sheet.

The application is disposed of.

JUDGE

kahale