

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

CRIMINAL APPLICATION (ABA) NO. 686 OF 2019

Badal Bisan Kanjar .Vs. State of Maharashtra,through P.S.O, P.S. Ramnagar,
Dist. Chandrapur.

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for applicant.

Mr. J.Y Ghurde, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 25, 2019

Heard Mr. Ali, learned counsel for applicant and
Mr. Ghurde, learned Additional Public Prosecutor for non
applicant-State. Also perused reply filed on behalf of
prosecution.

applicant is apprehending his arrest in connection
with Crime No.207/2019 registered with Police Station,
Ramnagar, Dist. Chandrapur for an offence punishable under
Sections 65(e) and 83 of the Maharashtra Prohibition Act,
1949 and under Sections 352, 353, 186, 188, 506 read with
Section 34 of the Indian Penal Code.

First information report dated 21.02.2019 is
lodged by Mr. N.S. Pital, a Police Sub Inspector of Police
Station, Ramnagar, Dist. Chandrapur. As per report, on the
said day a secrete information was received that at Kanjar
Mohalla, Jalnagar Ward, Chandrapur one Rekha Kanjar
resides and there her house she is selling liquor. On getting
confidential information the police staff along with Panch

went to her house. That time, as per first information report, Rekha, present applicant who is husband of Rekha and her two daughters were present. As per first information report, eight bottles of liquor were found on the person of Rekha, her daughter Ishika. However, as per report, the present applicant thrown the bottles and ran away from the spot. As per first information report, offences punishable under Sections 352 and 353 of the Indian Penal Code are not against the present applicant.

Application is opposed by learned Additional Public Prosecutor for the State on the ground that applicant is having criminal antecedence. However, learned Additional Public Prosecutor fairly submitted that in two cases, applicant has already acquitted by the learned Court of law. Merely because there are criminal antecedence that itself cannot be a ground for rejecting the application. The said has to be looked into in the light of the accusations made in crime in which accused person claims bail. In the present case, looking to the nature of accusations, personal liberty of applicant can be protected on putting certain stringent conditions that leads me to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.207/2019 registered with Police Station, Ramnagar, Dist. Chandrapur for an offence punishable under Sections 65(e) and 83 of the Maharashtra Prohibition Act, 1949 and under Sections 352, 353, 186, 188, 506 read with Section 34 of the

Indian Penal Code, applicant- Badal Bisan Kanjar be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Ramnagar, Dist. Chandrapur from 28.11.2019 till 12.12.2019 and shall be with the investigating officer from 11:00 a.m. to 05:00 p.m. Further, he shall attend police station as and when called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior written communication to the applicant.

The application is disposed of.

JUDGE

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