

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1021 OF 2020

Mohan Ambadas Chavan

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Satyavrat Joshi a/w. Sachin Kamble i/b. Jaydeep Mane, for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent / State.

CORAM : C.V. BHADANG, J.

DATE : 18th DECEMBER 2020

P.C.

. The applicant apprehending arrest in Crime No.377/2020 of Police Station Akkalkot North, Solapur Gramin, under Section 328 of IPC and Section 65(e), 65(f) of the Maharashtra Prohibition Act, is seeking anticipatory bail.

2. I have heard the learned counsel for the applicant and the learned APP.

3. A perusal of the complaint dated 27/10/2020 lodged by Police Constable Gajanan Gaikwad shows that a raid was conducted on prior information on 27/10/2020 at a shed at Shivaji Nagar, Tanda. When the police party reached at the spot, there was one person who was found distilling illicit liquor. On seeing the police, he managed to flee and could not be apprehended. According to the complainant, on inquiry from the neighbourers, the name of the said person was found to be Mohan Ambadas Chavan i.e. the applicant.

4. Prima facie, it can be seen that the applicant was not apprehended on the spot and the name of the present applicant is allegedly mentioned by some persons who were residing in the vicinity.

5. The learned counsel for the applicant submitted that looking to the nature of the allegations, the offence under Section 328 of the IPC could not be made out. In the submission of learned counsel for the applicant, Section 328 of IPC envisages administration of any poison, stupefying, intoxicating or unwholesome drug or other thing with intent to cause hurt. It is pointed out that in this case there is neither administration of any such substance much less with an intention to cause hurt. It is submitted that even otherwise the

incriminating material which was found on the spot has been recovered / seized and some of which has already been destroyed.

6. The learned APP, in all fairness, did not dispute that the applicant was not apprehended from the spot and his name has figured only on the basis of information allegedly given by some persons in the vicinity. The names of any such person are not figuring as witness at this stage.

7. Considering the over all circumstances and the submissions made on behalf of the applicant, the following order is passed.

ORDER

1. In the event of arrest, in connection with investigation of Crime No.377/2020 of Police Station Akkalkot North, Solapur Gramin, the applicant be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

2. The applicant shall attend the concerned Investigating Officer once in two weeks on Monday in between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

3. The first of such attendance shall be made on 28/12/2020.

4. The applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

5. The applicant shall not indulge in any similar act while on bail.

6. In the event breach of any of the conditions, the bail is liable to be cancelled.

7. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.