

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

CRIMINAL APPLICATION (ABA) 130 OF 2020

Dhiraj s/o Mohan Dayal Vs. State of Maharashtra, through PSO, PS Durgapur, 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. P.G. Khandekar, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant.

CORAM : ROHIT B. DEO, J.

DATE : DECEMBER 18, 2020.

Heard.

(2) The applicant is apprehending arrest in Crime 439/2019 registered with Police Station, Durgapur, District Chandrapur for offence punishable under Section 65(e) of the Maharashtra Prohibition Act.

(3) Two statements were made which persuaded this Court to grant interim pre arrest protection. The first statement was that the applicant has no criminal antecedent and the second statement was that there is no material to connect the applicant with the crime since he is not the owner of the vehicle, which was transporting liquor.

(4) The first statement is out and out false. The applicant is facing as many as six prosecutions including one offence of attempt to murder. Four prosecutions are for

similar offence that of dealing in liquor in prohibited area. In view of the blatant falsehoods resorted to, the application is liable to be dismissed on that ground alone.

(5) However, even examining the entitlement to pre arrest protection on merit, the applicant is not entitled to exercise of discretion. The vehicle may not be in the name of the applicant. It is in the name of the brother of the applicant. However, in the statement recorded and material on record, the role and the complicity of the applicant is prima facie established. The family members including mother of the applicant have stated that the vehicle was used by both the brothers and on the relevant day, it was the applicant who took the vehicle and did not return home for 4 to 5 days. There is also an extra judicial confession of the mother, on the record.

(6) The application is dismissed.

JUDGE

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