

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 923 OF 2021

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| 1. Alka s/o Kishor Patil
Age 38 years, Occu: Business,
R/o At Post Hatnur, Tq. Sindkheda
District Dhule | ... Applicants |
| 2. Bhushan s/o Dnyaneshwar Patil,
Age 38 years, Occu: Service,
R/o At Post Sidwadi, Tq. Chalisgaon,
District Jalgaon | |

VERSUS

- | | |
|---|------------------------|
| 1. The State of Maharashtra, | ... Respondents |
| 2/ The Police Inspector,
Nardana Police Station,
Tq. Sindkheda, Dist. Dhule | |

Mr. C. C. Deshpande, Advocate for the applicant,
Mr. V. S. Badakh, A.P.P. for the State.

CORAM	: V. G. BISHT, J.
DATE	: 7th September, 2021

ORDER:

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.37/2021 registered with Nardana Police Station, Tq. Sindkheda, District Dhule for the offences punishable under Sections 353, 332, 283, 504, 34 of the Indian Penal Code, 1860 and section 85(1) of Bombay Prohibition Act.

2. It is the case of prosecution that on 14.03.2021, at about 6.30 p.m, both the applicants were found raising commotion under the influence of liquor on a public road and thus, committed breach of peace. When they were confronted, they allegedly abused the informant and others and pushed them. Accordingly, first information report came to be lodged.

3. Mr. C.C. Deshpande, learned counsel for the applicants, at the very outset, invited my attention to the fact that though the alleged incident took place on 14.03.2021 at about 6.30 p.m, the first information report came to be lodged on the next day in the midnight at 02.40 a.m. This delay is nowhere explained. According to the learned counsel, interim protection was granted by the learned trial court and accordingly the applicants also attended the police station as directed by the Court. Investigation is completed and nothing is to be recovered. Hence, the present application deserves to be allowed, urged learned counsel.

4. Mr. V.S. Badakh, learned A.P.P., on the other hand, opposed the submissions by contending that investigation is in progress and there being no merit in the application, the same is liable to be rejected.

5. There is no dispute to the fact that interim protection was granted by the learned Additional Sessions Judge, Dhule and pursuant to that the applicants cooperated the investigation officer. In my considered opinion, having regard to the nature of allegations, the

custodial interrogation of the applicants is not necessary. In such circumstance, the application deserves to be allowed.

6. Hence following order.

ORDER

In the event of arrest of the applicants in connection with Crime No.37/2021 registered with Nardana Police Station, Tq. Sindkheda, District Dhule for the offences punishable under Sections 353, 332, 283, 504, 34 of the Indian Penal Code, 1860 and section 85(1) of Bombay Prohibition Act, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.25,000/- [Rs. Twenty five thousand only] each, with one or two solvent sureties in the like amount.

7. Application stands disposed of in the aforesaid terms.

(V. G. BISHT, J.)

JPC