

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

ANTICIPATORY BAIL APPLICATION NO.2428 OF 2021

1. Sevagiri Balu Chavhan	
2. Kashling Balaso Chavhan	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Tushar Sonawane, for the Applicants.

Ms. Anamika Malhotra, A.P.P for the Respondent – State.

Police Head Constable 1019 – Bapurao, Kagal Police Station, Kolhapur, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th OCTOBER 2021

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 1122 of 2021 registered with the Sangola Police Station, Solapur Rural, for the alleged offences punishable under Section 328 of the Indian Penal Code and under Sections 65(e) and 65(f) of the Bombay Prohibition Act.

3. Perused the papers. According to the complainant – Chormale of Sangola Police Station, whilst he was on patrolling duty on 5th September 2021, he received information that illegal liquor was being produced. Pursuant thereto, the complainant alongwith others raided the place i.e. Village Mahim, Taluka - Sangola alongwith panch witnesses. It is alleged that the applicants were preparing illegal liquor production by the name of 'Daruchi Bhatti'. The police found the material for preparing country liquor to the tune of Rs.21,237/-. The said articles were seized. It is alleged that the applicants ran away from the spot. *Prima facie*, taking the prosecution case as it stands, it is doubtful, whether an offence under Section 328 of the Indian Penal Code is made out, as against the applicants. The articles have already been seized from the spot.

4. Considering the aforesaid, custodial interrogation of the applicants is not warranted. Accordingly the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station on 13th and 14th October, 2021, between 10.00 to 01.00 p.m. and thereafter as and when called;

(iii) The applicants shall not contact the complainant, witnesses or any person concerned with the case

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants shall co-operate with the Investigating Agency.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.