

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

ANTICIPATORY BAIL APPLICATION NO. 2064 OF 2021

Javanaram Ghevarramji Devasi	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Vishal L. Kolekar a/w. Kiran Jadhav for the Applicant.
Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 24th SEPTEMBER, 2021.

P. C. :-

1. The Applicant is seeking Anticipatory Bail in connection with C.R.No.218/2021 dated 15/07/2021 registered with Chinchwad Police Station for offences punishable under Sections 328, 272, 273, 188 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Vishal Kolekar, learned counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'the FIR') is lodged by Police Constable – Sonali Vilas Mane. She has stated that she was working in Social Security force of Pimpri Chinchwad Police

Commissionerate. Her office received the secret information that one Achalaram Dungaram Chaudhary was selling gutkhas at Mogha Provision Stores. The police arranged to conduct raid. They called two panchas. The police party along with panchas went to the shop. They had also sent bogus customer to the particular shop. The raid was conducted in the aforementioned shop and Achalaram Chaudhary was found in the shop. The goods namely, pan masala, tobacco and gutkha worth Rs.17,651/- were seized. The FIR mentions that the goods were supplied by Javanaram Devasi. The prosecution case is that the Applicant is the same person. On this basis, the FIR is lodged.

4. Mr. Vishal Kolekar, learned counsel for the Applicant submitted that the Applicant's name is Jawanaram Dewasi and he is a different person. He is wrongly implicated. The applicant has already given call details and other details when he was on interim protection pursuant to the order passed by this Court. He submitted that therefore his custodial interrogation is not necessary.

5. Learned APP has opposed this Application. He submitted that the statement of brother-in-law of the Applicant is recorded and therefore, the Applicant's identity is not in dispute. He further submitted that

during investigation it was revealed that there were calls exchanged between the shop owner and the present Applicant.

6. I have considered these submissions. The difference in name is hardly material in this case. The investigating agency has recorded the statement of brother-in-law which shows the Applicant's complicity in the offence. There is material against the present Applicant. The offence is serious in nature. Custodial interrogation of the Applicant is necessary. No case is made out for grant of Anticipatory Bail.

PREETI
H JAYANI

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(SARANG V. KOTWAL, J.)