

76-ABA-2375-2021.doc

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

ANTICIPATORY BAIL APPLICATION NO. 2375 OF 2021

Ratan @ Laxmibai Yashwant Chavan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. M. V. Phalke for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent–State

API Mr. P. V. Waghmare from Baramati City Police Station, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 6th OCTOBER 2021

P.C. :

- 1 Mentioned out of turn.
- 2 Heard learned counsel for the applicant.
- 3 By this application, the applicant seeks pre-arrest bail in
connection with C.R. No. 458/2021 registered with the Baramati City
Police Station, Pune, for the alleged offences punishable under Section 328

of the Indian Penal Code and under Sections 65(f) and 65(e) of the Maharashtra Prohibition Act.

4 Perused the papers. According to the complainant-Dashrath Kolekar, Police Naik, he received information that one lady- Laxmibai Yashwant Chavan (applicant) was manufacturing liquor in the field of Ashok Namdeo Ovekar at Vidyanagar, Gunwadi. The complainant has stated that he called two persons to act as Panchas and effected a raid at the said place. He has stated that at the relevant time, a woman was seen stirring the contents in an iron barrel with a wooden stick and on seeing the policemen, she ran towards the sugarcane field. The complainant has alleged that he called the applicant and the complainant himself identified her as Laxmi Chavan (applicant). However it is alleged that she managed to escape.

5 On what basis the complainant identified the applicant to be Laxmi Chavan is not known. From the spot, the alcohol which was being prepared was seized. *Prima facie*, it is doubtful how the offence would be one under Section 328 of the IPC, having regard to the facts of the case. Learned counsel for the applicant states that the applicant has no antecedents and that the applicant is undergoing psychiatric treatment since

8 years for her epilepsy attack. It appears that what was found in the iron barrel was black jaggery and navsagar used for the preparation of liquor. The articles have already been seized and as such, in the facts, custodial interrogation of the applicant is not warranted.

6 Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.5,000/- with one or two sureties in the like amount;

- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 12th and 13th October 2021 from 10:00 a.m to 12:00 noon;

- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

- (iv) The applicant shall inform her latest place of residence and mobile contact number 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 applicant to cooperate with the investigating agency.

7 The application is disposed of in the aforesaid terms.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.