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

ANTICIPATORY BAIL APPLICATION NO. 2661 OF 2021

Balaso @ Balu Dhondiba Chavhan ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr. Tushar N. Sonawane for the Applicant.
Mr. H.J. Dedhia, APP for the Respondent -State.

.....
CORAM: V.G.BISHT, J.
DATE: 18TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Section 328 of the Indian Penal Code (the IPC) and Sections 65 (e) and 65 (f) of Maharashtra Prohibition Act, 1949 registered vide C.R. No. 1122 of 2021 with Sangola Police Station, Solapur Rural .

2. According to prosecution, while informant was on patrolling duty on 5th September, 2021, he received information that illegal liquor is being produced. Pursuant

thereto, the informant along with staff members raided the place i.e. Village- Mahim, Taluka- Sangola with panch witnesses. The prosecution alleges that the applicant along with other accused were preparing illegal liquor by name Daruchi Bhatti. The police also found material for preparing the country liquor to the tune of Rs. 21,237/-. All the articles came to be seized under the panchnama. Since the applicant had run away, an First Information Report came to be filed.

3. Heard Mr. Sonawane, learned Counsel for the applicant and Mr.Dedhia, learned APP

4. The applicant and other accused are also charged with Section 328 of the IPC. Having regard to the facts and circumstances of the case, it appears to be doubtful whether Section 328 of the IPC will be applicable. Moreover, all the articles have been seized from the spot. In view of above, in my considered opinion, there is no necessity of custodial interrogation. I am inclined to allow the application. Hence, the following order :

ORDER

- (i) The application is allowed .
- (ii) In the event of arrest of the applicant in C.R.No. 1122 of 2021 registered with Sangola Police Station, Solapur Rural for the offences punishable under Section 328 of the IPC and Sections 65 (e) and 65 (f) of Maharashtra Prohibition Act, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 25,000/- with one or two surety/ sureties in like amount.
- (iii) The applicant shall make himself available for interrogation by a police officer of concerned police station as and when required.
- (iv) The applicant shall not tamper with prosecution evidence.
- (v) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to

dissuade him from disclosing such facts to the Court or to investigating officer.

(vi) The application stands disposed of accordingly.

(V.G.BISHT, J.)