

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

ANTICIPATORY BAIL APPLICATION NO. 2639 OF 2018

Dinesh Bahadur Bhagat ...Applicant

Versus

The State of Maharashtra ...Respondent

None for the applicant.

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

PSI Harshad Kale, Mumbra Police station present.

CORAM : REVATI MOHITE DERE, J.

DATE : 4th OCTOBER, 2021

P C. :

1. None for the applicant.
2. Vide order dated 20th December 2018, passed by this Court (Coram: Prakash D. Naik,J.), the applicant was granted interim protection on certain terms and conditions.
3. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-645 of 2018 registered with the Mumbra Police Station, Thane, for the alleged offences punishable

under Sections 328 read with 34 of the Indian Penal Code and under Section 65(f) of the Bombay Prohibition Act.

4. According to the prosecution case, on receipt of information, raid was conducted and illicit liquor was found at the spot alongwith articles for preparation of liquor. The property was seized by the police. It is the prosecution case, that the applicant and others were involved in the illicit business of manufacturing country made liquor. Prima facie, it is doubtful whether provisions of Section 328 of the Indian Penal Code are attracted in the facts of the present case. Except Section 328 of the Indian Penal Code, rest of the Sections are bailable.

5. Learned APP, on instructions states that the investigation is practically over. She states that the applicant was found preparing illicit liquor. On instructions of the investigating Officer, she states that the applicant has no antecedents. Considering the aforesaid, custodial interrogation of the applicant is not warranted and accordingly, interim protection granted to the

applicant vide order dated 20th December 2018, stands confirmed 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.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.
- (iii) The applicant shall inform his 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;
- (iv) The applicant to cooperate with the investigating agency;

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

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

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

REVATI MOHITE DERE, J.