

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.936 OF 2022

Santosh Raghunath Dhotre

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.S.R.Wakale, Advocate for applicant
Mr.N.T.Bhagat, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 04, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0206 of 2022 registered with M.I.D.C. Police Station, Dist. Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by one Rahul on 30.03.2022. It is his case that he runs a wine shop. The applicant would often come to his wine shop and ask for wine bottle without paying therefor. If he is not supplied the wine bottle, he would abuse and assault the salesman in the shop. It so happened that on 29.03.2022 by 04.00

p.m., the informant had gone to his residence for lunch. The Manager of the wine shop was present. The applicant came on Scooty vehicle and demanded a wine bottle. The salesman asked him to come afterward as the owner of the shop was not available. Having annoyed, the applicant picked up a beer bottle and pelted it towards the Manager of the shop. Although it did not hit the Manager, the bottle got smashed. The applicant unauthorisedly entered the shop, picked up two wine bottles and went away. In short, it is the case of the informant that such a behaviour of the applicant was the regular phenomenon. The applicant is a criminal by nature.

4. Learned counsel for the applicant would submit that the applicant would run a Pan-stall outside the wine shop of the informant. The owner of the shop did not want the applicant's shop to be along his wine shop. A false FIR is, therefore, registered.

5. Learned APP would submit that the applicant has criminal antecedents. Six crimes pertaining to the offence against human body have been registered against him. If he is released on bail, he is likely to commit similar offence. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. Perused the FIR. There is delay of one and half days in lodging the FIR. The applicant has been behind the bars for little over two and half months. The offence is triable by the Court of Judicial Magistrate, First Class. It will take time for completion of the investigation, filing of charge sheet and conclusion of the trial as well. Considering the nature of offence, the Court is inclined to grant the applicant bail.

Hence, the following order:-

- (i) The application is allowed.
- (ii) The applicant be released in connection with Crime No.0206 of 2022 registered with M.I.D.C. Police Station, Dist. Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence in any manner.
- (iv) He shall attend the concerned police station everyday between 12:00 noon and 3:00 p.m. for next six months.

[R.G. AVACHAT, J.]

KBP