

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

ANTICIPATORY BAIL APPLICATION NO. 3429 OF 2022

Sitabai Namdeo Rathod ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Rahul B. Vijaymane for the Applicant.
Mrs. M. M. Deshmukh, APP for the Respondent-State.
Mr. Sidram K. Dhaigude, PSI, Akkalkot (Sought) Police Station.

CORAM: R. N. LADDHA, J.

DATE : 12th DECEMBER, 2022

P.C. :-

1. Heard the learned counsel for the Applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No. 276 of 2022 registered at Akkalkot (South) Police Station, Solapur, against the Applicant for the offences punishable under Section 328 of the Indian Penal Code and Sections 65(e) and 65(f) of the Maharashtra Prohibition Act, 1949.

3. It is alleged that in the raid conducted by the Police, the present Applicant and other co-accused were found to be distilling illicit liquor.

4. The learned counsel for the Applicant submits that the co-accused is already enlarged on bail. There is no antecedents against the Applicant.

5. Learned APP on instructions submits that considering the nature of offence, Applicant may not be granted anticipatory bail.

6. I have perused the allegations in the FIR and the documents annexed with the present application. It appears from record that the Applicant was not caught red handed with the liquor and the other articles which were allegedly seized from the spot. One of the co-accused is already released on bail. The articles lying on the spot were already seized. There are no criminal antecedents against the Applicant. In such circumstances, custodial interrogation of the Applicant is not warranted. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) In the event of arrest of the Applicant in C.R. No. 276 of 2022 registered at Akkalkot (Sought) Police Station, for the offences punishable under Section 328 of Indian Penal Code and Sections 65(e) and 65(f) of the Maharashtra Prohibition Act, 1949, she be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (c) The Applicant shall attend the Akkalkot (Sought) Police Station on every Thursday between 10:00 a.m. and 1:00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate with the investigation.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

R. N. LADDHA, J.

BIPIN
DHARMENDER
PRITHIANI

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