

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1490 OF 2022**

Tanaji Baburao Khomane) **Applicant**

V/s.

The State of Maharashtra) **Respondent**

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Mr. Ranjeet M. Pawar, Advocate for the applicant.

Mr. N.B. Patil, APP for State-respondent.

PSI, Mr. Y.A. Shelar from Vadgaon Nimbalkar Police
Station, Pune present.

CORAM : SANDEEP K. SHINDE J.

DATE : MONDAY, 7TH JUNE, 2022.

P.C. :

1. Applicant, was allegedly found, while distilling illicit liquor. Thus, crime came to be registered under Prohibition Act and Section 328 of the Indian Penal Code. This application is moved, for pre-arrest bail. Prima-facie, the accusations in the First Information Report may lead to

registration of offences punishable under the Bombay Prohibition Act, 1949 but certainly not under Section 328 of the Indian Penal Code. Even otherwise, previous offences registered against the applicant on similar allegations, State has not prosecuted the applicant under Section 328 of the Indian Penal Code but only under the Bombay Prohibition Act. In that view of the matter, a case is made out for granting pre-arrest protection. The application is allowed and hence the following order :

ORDER

- (i) In the event of arrest of the applicant in Crime No.204/2022 registered with Vadgaon Nimbalkar Police Station, District-Pune, he be released on bail on executing P.R. Bond in the sum of Rs. 20,000/- (Rs. Twenty Thousand only) with one or more local sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer once in a month i.e. second Monday of each month between 11:00 to 1:00 p.m. and thereafter till the charge is framed;
- (iii) The Applicant shall furnish his residential address as

well as permanent address and contact details to the Investigating Officer within a week from the date of uploading of this order on the website of High Court.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

2. Application is allowed and disposed of accordingly.

3. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

NEETA
SHAILESH
SAWANT

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NEETA SHAILESH
SAWANT

Date: 2022.06.07
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(SANDEEP K. SHINDE, J.)