

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.268 OF 2022

Dharmendra S/o Sitaram Dahare

Versus

State of Maharashtra, through P.S.O., P.S. Rawanwadi, Tah. And Dist. Gondia

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.R. Tekade, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 26/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.26 of 2022, dated 08.02.2022, registered with Police Station Rawanwadi, District Gondia, for the offences punishable under Section 328 of the Indian Penal Code and Sections 65(b), 65(c), 65(d) and 65(f) of the Maharashtra Prohibition Act, 1949. The allegations against the applicant is that he is involved along with main accused Ranjit Ramdas Ukey preparing the spurious liquor.

2. Shri Tekade, learned counsel for the applicant submits that the name of the applicant was not there in First Information Report (FIR). However, it was subsequently added on the basis of statement of one Arvind Ukey, a witness. It is submitted that the applicant is falsely implicated in the alleged offence.

3. On the other hand, Shri Thakare, learned APP opposes the present application. He has pointed out from the Case Diary, the statement recorded by the Investigating Agency during the investigation, of the witness namely Arvind Ukey and submits that the said witness has specifically stated the name of the applicant. He further submits that there are criminal antecedents against the applicant and he is involved in the similar crime.

4. I have perused the Case Diary and also the contents of the FIR.

5. The statement of witness-Arvind Shalikram Ukey *prima facie* does not support the case of the prosecution as the said statement in respect of the applicant is based on hearsay information. As far as, criminal antecedents are concerned in absence of any *prima facie* incriminating material available in this case against the applicant, the only fact that there are criminal antecedents, cannot be considered as a valid one for rejection of pre-arrest bail application. In that view of the matter, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 19.04.2022, granting *ad-interim* anticipatory bail, is

confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]