

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

ANTICIPATORY BAIL APPLICATION NO.456 OF 2023

**DHANRAJ RESHMYA PAWARA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. C. C. Deshpande
APP for Respondents - State: Mrs. G. L. Deshpande

...

CORAM : R.M. JOSHI, J

DATE : JUNE 05, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 421 of 2021 registered with Nandurbar City Police Station, Nandurbar for the offences punishable under Sections 328, 268, 269, 290, 188 read with Section 34 of the IPC, Section 65(a), 65(e) of Maharashtra Prohibition Act and Section 3 and of Epidemic Diseases Act, 1897.

2. On 11th May, 2021 police received secret information about the preparation of illicit liquor. Accordingly, said place situated in the house of Shailesh Choudhari was raided and illicit liquor was seized from the spot. Present applicant was not present

at the spot, however, co-accused has named him to be the supplier of the spirit for preparation of the illicit liquor.

3. Learned Counsel for the Applicant states that except his name in FIR, there is no evidence to connect him with the crime.

4. Learned APP opposed the said contentions with the submissions that there is no reason for the police to falsely implicate the applicant in the crime. It is also submitted that since the accused is absconding for last more than two years, he does not deserve anticipatory bail.

5. Perusal of the police papers do not indicate any evidence to connect present applicant with the crime in question. Needless to record that statement of the co-accused made in presence of police cannot become admissible in evidence. Barring this so called statement of the co-accused, there is no evidence in order to show the involvement of the present applicant in the crime. As far as the alleged abscondence of the

applicant is concerned, perusal of the police paper do not show that after May, 2021 attempts were made to secure custody of the applicant.

6. In view of the above, application deserves to be allowed. Hence, the order:

ORDER

- (i) In the event of arrest the Applicant - Dhanraj Reshmya Pawara in connection with Crime No. 421 of 2021 registered with Nandurbar City Police Station, Nandurbar for the offences punishable under Sections 328, 268, 269, 290, 188 read with Section 34 of the IPC, Section 65(a), 65(e) of Maharashtra Prohibition Act and Section 3 and of Epidemic Diseases Act, 1897, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- (ii) He shall attend the concerned police station once in a week.
- (iii) He shall not contact the prosecution witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the
investigating agency for further
investigation.

(R.M. JOSHI, J.)

Malani