

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

947 ANTICIPATORY BAIL APPLICATION NO.694 OF 2023

SONU @ DNYANESHWAR DADARAO BARAKHUDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
AND

ANTICIPATORY BAIL APPLICATION NO.669 OF 2023

DADARAO NAGORAO BARAKHUDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
In both the matters:

Advocate for Applicants : Mr. S.R. Bagal h/f.
Mr. Bharat N. Gadegaonkar
APP for Respondent – State : Ms. R.P. Gour

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CORAM : R. M. JOSHI, J.
DATE : 4th JULY, 2023

PER COURT :

. Applicants are apprehending arrest in connection with
Crime No.109 of 2023 registered with Daithana Police Station, Dist.
Parbhani for the offences punishable under Sections 328, 272, 273,
188 r/w. 34 of the Indian Penal Code.

2. It is contended by learned counsel for applicants that issue as to whether offence punishable under Section 328 of the I.P.C. would attract to contraband article – Gutkha is pending before the Hon'ble Apex Court. He further submits that the entire recovery is already done and custodial interrogation of applicants are not necessary.

3. Learned APP opposed application contending that huge amount of contraband is seized from applicants. The investigation is required to be done in respect of the source of the said contraband article – Gutkha. It is also pointed out that there are number of other offences registered against applicants. Similarly, externment proceedings are initiated and applicant – Sonu @ Dnyaneshwar Barakhude is externed from District Parbhani for a period of one year. On these grounds, the present application is opposed.

4. Even accepting the aforesaid contentions of learned APP, Section 328 of the I.P.C. does not get attracted in the present matter and the other offences are bailable. So far as further investigation is concerned in order to find out the source of said contraband, appropriate direction to applicants to appear before the Investigating

Officer would be sufficient.

5. In view of above, following order is passed.

ORDER

(i) Applications are allowed on the same terms of interim orders dated 03.05.2023 & 28.04.2023 passed in Anticipatory Bail Application Nos.694 of 2023 & 669 of 2023, respectively.

[R. M. JOSHI]
JUDGE

GGP