

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

ANTICIPATORY BAIL APPLICATION NO.773 OF 2023

BHAROSA S/O NAGIN MORE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. D. S. Bagul

APP for Respondents: Mr. S. N. Morampalle

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CORAM : R.M. JOSHI, J

DATE : JULY 12, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 749 of 2022 registered with Shahada Police Station, Tq. Shahada, Dist. Nandurbar for the offences punishable under Sections 353, 307, 427, 34 of the Indian Penal Code and Sections 65(e) and 108 of Maharashtra Prohibition Act.

2. Police personnel attached to Shahada police station reported incident occurred in the intervening night of 26.11.2022 and 27.11.2022. According to him, he was on duty in the police vehicle and they say one vehicle coming towards Shahada city. Driver of the said vehicle was asked to stop vehicle, however, he ignored the same and went ahead. He was followed in the police

vehicle. It is alleged that driver of the vehicle in order to kill police personnel gave dash to the vehicle driven by the informant. Later on the said vehicle was found left on the road. The liquor bottles were found therein.

3. Learned Counsel for the Applicant states that there is no evidence to connect Applicant with the crime as neither he is driver, cleaner or owner of the vehicle.

4. Learned APP opposed the application by contending that it is revealed in the investigation that Applicant is one who has supplied liquor bottles to the accused, however, he was unable to show any evidence to that effect from investigation papers.

5. If it so, then it is clear that there is absolutely no evidence to connect the Applicant with the crime in question. Admittedly, applicant was not present at the spot of incident. There is also no question of this case being covered by Section 120-B of IPC. In such circumstances, the application is allowed by confirming order dated 14th June, 2023.

(R.M. JOSHI, J.)