

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1166 OF 2023

Amol Hemant Gholap

Applicant

Versus

The State of Maharashtra

Respondent

Mr. S. N. Menchirel along with Mr. S. B. Jaiswal, Advocates for the applicant.

Mr. M. K. Goyanka, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 1st DECEMBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0287/2023m registered with Shevgaon Police Station, Tq. Shevgaon, Dist. Ahmednagar, for the offences punishable under Sections 420, 467, 471, 473 of Indian Penal Code.

2. First Information Report states that liquor licence was issued in the name of co-accused. An inquiry was initiated by the Collector in respect of the said licence and it was found that the said licence was obtained on the basis of bogus documents. It is further stated that during the course of investigation of the said forgery, co-

accused made a statement that the bogus documents are prepared by the present applicant.

3. Learned counsel for the applicant submits that applicant is a social worker and that he has filed Public Interest Litigation against illegal liquor business. It is submitted that except for the alleged statement of co-accused, there is no evidence to connect the application with the crime in question. He further argues that during the course of inquiry before the Collector, nothing was brought on record to indicate that present applicant is the one who has prepared those documents against money.

4. Learned APP opposed the application by relying upon the statements recorded during the course of investigation.

5. Perusal of record indicates that except for the alleged statement of co-accused which cannot be read in evidence, there is absolutely no evidence to connect the applicant with this crime. Having regard to the fact that the present applicant had initiated action against illegal liquor business, this Court finds substance in the contention of learned counsel for the applicant that through co-

accused, the informant has sought to implicate present applicant in the crime. So far as allegation against the applicant that he prepared those documents against money, there is no evidence to substantiate the same. In view of this, application is allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb