

Sayali Upasani

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2485 OF 2023

Pradip Ankush Jadhav	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Machhindra Patil, for Applicant.

Mr. M. G. Patil, APP for State.

Mr. B. U. Zol, Head Constable, Sangola, Police Station,
Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 5th SEPTEMBER, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 603 of 2023, registered with Sangola Police Station, Solapur, for the offences punishable under Sections 328 of Indian Penal Code, 1860 ("the Penal Code") and Section 65 (e) and 65 (f) of the Maharashtra Prohibition Act, 1949.

3) Initially, the report was lodged against the applicant with the allegations that the applicant was found in possession of the articles for distilling illicit liquor.

4) The learned Counsel for the applicant submits that in a report filed before the learned Additional Sessions Judge on 9th August, 2023, it was submitted by the investigating agency that the applicant was not found in possession of poisonous or unwhole same substances and, therefore, the offence punishable under Section 328 of the Penal Code was not added.

5) In view of the aforesaid statement on behalf of the investigation agency, the applicability of the provisions contained in Section 328 of the Penal Code, appears to be prima facie debatable.

6) Thus, I am inclined to exercise discretion in favour of the applicant.

7) Hence, the following order:-

ORDER

I) The application stands allowed.

II) In the event of arrest of the applicant in connection with C.R. No. 603 of 2023, registered with Sangola Police Station, Solapur, for the offences punishable under Sections 328 of

Indian Penal Code, 1860 and Section 65 (e) and 65 (f) of the Maharashtra Prohibition Act, 1949 the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/-with one or two sureties in the like amount.

III) The applicant shall co-operate with the investigation and attend Sangola Police Station on every Sunday in between 10.00 am to 12.00 noon for a period of one month.

IV) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

V) The applicant shall not indulge in an identical activity for which he has been arraigned in this case.

VI) The applicant shall furnish the permanent address and contact details to the Investigating Officer and keep him posted about the change, if any.

VII) In the event of breach of any of the aforesaid conditions, bail shall be liable to be cancelled.

VII) The application stands disposed.

[N. J. JAMADAR, J.]