

Versus

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PSI Sanjay Nagargoje, Yawant Police Station, Pune Gramin.

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DATED : 16 MARCH 2023

P.C. :-

1. This is an application filed under Section 438 of Criminal Procedure Code, 1973 for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.113 of 2023 registered with Yavat Police Station, Pune (Rural) for the offences punishable under Section 328 of Indian Penal Code, 1860.
3. I have heard the learned Counsel for the applicant and the learned APP for the respondent/State.

4. According to the prosecution, on 3 February 2023, Police Head Constable working with Yavat Police Station got a secret information about distilling and selling of illicit liquor by the applicant. Pursuant to said secret information, raid was conducted, however, the applicant on seeing the raiding party ran away from the place of incident.

5. The learned Counsel appearing for the applicant submits that at the most the applicant can be said to have committed the offence punishable under the Maharashtra Prohibition Act. It is submitted that there is no need of custodial interrogation as nothing is to be recovered at the instance of the applicant.

6. On the other hand, the learned APP appearing for the respondent-State submits that the applicant is involved in one more crime of similar nature. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. *Prima facie*, there appears to be no independent evidence to show that it was the applicant who was distilling or selling the illicit liquor. Considering the facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the Applicant -Rahul Ganga Chaugule in Crime No. 113 of 2023 registered at Yavat Police Station, Pune (Rural) for the offence punishable

under Section 328 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) The applicant for the purpose of investigation shall attend the concerned police station as and when called by the Investigating Officer till filing of charge-sheet and thereafter once in a month, i.e., on first Saturday between 11:00 a.m. to 2:00 p.m. till conclusion of trial
- (iv) The prosecution is at liberty to file an application for cancellation of bail if the applicant commits similar crime.
- (v) Anticipatory Bail Application stands disposed of.

(N.R. BORKAR, J.)