

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

ANTICIPATORY BAIL APPLICATION NO. 2348 OF 2023

Viraj Dnyaneshwar Vibhute

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Vivek Arote for the Applicant.

Mr. S.H. Yadav, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th OCTOBER, 2023.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.329/2013 registered with State Excise Department, Pune Division, Dist. Pune for offences punishable under sections 65(C), 65(D) and 83 of Bombay Prohibition Act.

2. The previous application was withdrawn by the Applicant with liberty to challenge the order of issuance of proclamation. Subsequently, the Applicant filed Writ Petition No.2549/2023 challenging the order dated 15/03/2022 passed by the learned Magistrate in SCC No.371/2015 issuing proclamation against him. By

order dated 11/08/2023, this Court had allowed the Petition and set-aside the order of issuance of proclamation. By order dated 06/09/2023, this Court had observed that the material on record does not prima facie indicate that the Applicant was not available for investigation and interrogation and hence had granted him ad-interim bail with further directions to report to the Investigating Officer.

3. Learned APP submits that pursuant to the order dated 06/09/2023, the Applicant has reported to the Investigating Officer and that he has been interrogated. The presence of the Applicant is not required for the purpose of interrogation.

4. Considering the above facts and circumstances, the interim bail granted by order dated 06/09/2023 stands confirmed. The Applicant shall appear before the trial court on each and every date, unless exempted.

5. Application stands disposed of.

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JAYANI

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Date: 2023.10.23
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(SMT. ANUJA PRABHUDESSAI, J.)