



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1675 OF 2024

Anil Vasant Kapse

VERSUS

The Superintendent Of Police And Another

- Mr. Dhananjay Shinde h/f Mr. M. D. Shinde, Advocate for the Applicant
- Mr. B. B. Bhise, APP for the Respondent/State

CORAM : R.M. JOSHI, J

DATE : OCTOBER 15, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 277/2024 registered with Murud Police Station, Dist. Latur for the offences punishable under Sections 123, 223, 274, 275, 3(5), 59 of the Bharatiya Nyaya Sanhita.

2. First information report indicates that raid was conducted for the seizure of the contraband Gutka and Pan Masala. FIR indicates that the said seizure was done from the house of Vitthal, Sandipan and Anil Kapse (present Applicant) as well as from the vehicle bearing no. MH-24-F-8493.

3. Learned Counsel for the Applicant submits that the vehicle from which the alleged seizure has been done does not belong to the Applicant. He further claims that though one offence was registered against him, he is already acquitted from the said offence.

4. Learned APP opposed the application, however, does not dispute the fact that there is no seizure effected from the house of the Applicant. He however claims that seizure has been effected from the vehicle belonging to the Applicant as it was parked in front of the Applicant.

5. Learned Counsel for the Applicant has made solemn statement that the said vehicle is not belonging to the Applicant. This statement is accepted as undertaking to this Court. Police papers indicate that the said vehicle stands in the name of the some other person and not the Applicant. Thus, in this case except for the alleged statement of the co-accused, which is inadmissible in evidence, there is no evidence to connect the Applicant with this crime. Though earlier there was one similar offence was registered against

him, undeniably he is acquitted therefrom. Hence, the liberty of the Applicant deserves to be protected. Hence, the order:

O R D E R

- (i) Application is allowed.
- (ii) In the event of arrest of the Applicant in connection with C.R. No. 277/2024 registered with Murud Police Station, Dist. Latur for the offences punishable under Sections 123, 223, 274, 275, 3(5), 59 of the Bharatiya Nyaya Sanhita, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (iii) He shall attend the concerned police station as and when required.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate the investigating agency for further investigation.

(R.M. JOSHI, J.)