

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

ANTICIPATORY BAIL APPLICATION NO. 506 OF 2024

Ravi Ganesh Rathod

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Sachin M. Bhavar for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 28 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.58 of 2020 registered at Vairag Police Station, Solapur Rural, on 15.03.2020, under section 328 of the Indian Penal Code and under section 65(f) of the Maharashtra Prohibition Act.

2. Heard Mr. Sachin Bhavar, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by the bit helper Yogesh Khalate. He has stated that, on 14.03.2020 at about 6.00a.m. the police

officers received an information that the illicit liquor was stored and being manufactured at village Yamai Tanda. Therefore, the police arranged to conduct raid there. They went in a vehicle with the necessary articles. When the police officers reached there, there were 3-4 places where the illicit liquor was being manufactured. When the police reached there, the persons who were in the process of manufacturing illicit liquor ran away. The police chased them. They were not caught. The police found 40 closed barrels and 50 open barrels. They were filled with chemicals and the articles used for making that illicit liquor. The enquiry revealed that the illegal business was conducted by the applicant and 7 others. On this basis, the F.I.R. was lodged. As of today the investigation is over and the charge-sheet is filed. The charge-sheet contains statements of the other police officers who were the members of the raiding party.

4. Learned counsel for the applicant submitted that the F.I.R. is based on some wrong information. There is no definite material against the present applicant. The offence is registered in March 2020 and till today the applicant is not arrested. The

applicant is Sarpanch of village and therefore, it could not be the allegation that the applicant was absconding. Then suddenly the police cannot be permitted to arrest the applicant.

5. Learned APP relied only on the F.I.R. and the statements of the raiding party members which were included in the charge-sheet.

6. I have considered these submissions. The F.I.R. itself mentions that the names of the owners of the illicit liquor business were given by somebody else, but the names of those persons who had given that information were not mentioned. The statement of Police Naik Nagesh Naiknavre shows that, those persons requested the police to keep their names secret. Therefore, in the entire charge-sheet there is no definite material linking the present applicant with the said offence. The charge-sheet is already filed. The incident is about 4 year old. Therefore, after all these years, on this weak material, the applicant's custodial interrogation is not necessary. The applicant can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.58 of 2020 registered at Vairag Police Station, Solapur Rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Application is disposed of.

(SARANG V. KOTWAL, J.)