

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

ANTICIPATORY BAIL APPLICATION NO. 503 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.417 of 2021 registered at Vairag Police Station, Solapur Rural, on 17.08.2021, under section 328 of the Indian Penal Code and under sections 65(e) and 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 police constable Dhanaji

Ramgude. It is mentioned in the F.I.R. that the police officers received a secret information at around 4.30p.m. on 17.08.2021 that some persons were manufacturing illicit liquor at village Yamai Tanda, Taluka Barshi. The police party consisting of Police Inspector Bahir, PSI Rathod, PHC Nale and other police constables and police naik went to the spot mentioned in the information. They actually saw the process of manufacturing illicit liquor. There were three places where the illicit liquor was being manufactured. The persons who were in the process of manufacturing illicit liquor ran away. The police officers made enquiries and came to know that these three places were used for manufacturing illicit liquor by the applicant Ravi Rathod, Aditya Rathod, Limbaji Jadhav and Narayan Chavan. On this basis the F.I.R. is lodged. In this case, the accused Limbaji Jadhav and Narayan Chavan were arrested and were released on bail. The charge-sheet in this case is already filed.

4. Learned counsel for the applicant submitted that, there is absolutely no incriminating material against the present applicant except suspicion mentioned in the F.I.R. The charge-sheet is already filed. The applicant is the Sarpanch of the said village

and, therefore, he was a known personality in the village. Since 2021 the police did not deem it necessary to arrest him and, therefore, this is one more additional reason for granting protection under section 438 of the Cr.p.c.

5. Learned APP could not point out a single definite material against the applicant except what is stated in the F.I.R.

6. There are no witnesses who had specifically given the information about the applicant. There are no witnesses who have specifically stated that the applicant was the one who was conducting this process of manufacturing illicit liquor.

7. Considering these submissions, the applicant will have to be protected U/s.438 of the Cr.p.c. Before parting with this order, some observations are necessary. The F.I.R. is lodged on 17.08.2021. Till February 2024 the police did not arrest the present applicant, though, according to the investigating agency, they want to arrest the present applicant. There is no explanation offered as to why he was not arrested after all these years when he was not protected by any ad-interim or interim relief passed by any

competent court. As submitted by his learned counsel, the Applicant is the Sarpanch of the village and hence was always available. He was not absconding. Secondly, if the applicant was really not involved in the case, then there was no reason to file the charge-sheet against him. There is something definitely wrong with the investigation. All these facts need to be brought to the notice of the Superintendent of Police of Solapur district where the offence is registered.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.417 of 2021 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) A copy of this order shall be forwarded to the Superintendent of Police, District Solapur.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)