

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

**ANTICIPATORY BAIL APPLICATION NO. 1764 OF 2024**

|                          |     |            |
|--------------------------|-----|------------|
| Hanumant Aaba Hake       | ... | Applicant  |
| Versus                   |     |            |
| The State of Maharashtra | ... | Respondent |

\*\*\*\*\*

Mr. Ravi Kadam a/w Amruta Kundap for the Applicant.  
Mr. R. M. Pethe, APP (through V.C.) for Respondent-State.

\*\*\*\*\*

**CORAM: MANISH PITALE, J.**  
**DATE : 9<sup>th</sup> JULY 2024**

**P.C. :**

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0546 of 2024 dated 24<sup>th</sup> May 2024 registered at Yavat Police Station, Pune, for offences under Section 328 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 65(a), (c) and (g) of Maharashtra Prohibition Act, 1949.

3. The FIR was registered when the Police on information being received, raided a particular agricultural field and found that illicit liquor was being manufactured. A person was arrested on the spot, who is accused No.1 and he stated the name of accused No.2 as being the owner of the distillery manufacturing illicit liquor on the agricultural field. The applicant was subsequently added as an

accused on the basis that he is the owner of the agricultural field.

4. The learned counsel for the applicant submits that the applicant was not named in the FIR. It is further submitted that the only connection of the applicant with the incident in question is that he is stated to be the owner of the agricultural field. The learned counsel for the applicant points out that even the revenue records shows the name of the grandfather of the applicant as the owner, as the partition is yet to take place in the family of the applicant. The applicant claimed that he was unaware about the aforesaid activities being undertaken on the field. It is further brought to the notice of this Court that by an order dated 6<sup>th</sup> June 2024, the Sessions Court has already granted anticipatory bail to accused No.2.

5. The learned APP submits that in the present case, huge amount of illicit liquor was recovered and it is hard to believe that the applicant was either unaware or not involved in the activity since the agricultural field belongs to him.

6. This Court has considered the material on record. The applicant was not named as an accused in the FIR when it was registered. The co-accused person i.e. Santosh Janmale was granted anticipatory bail by the Sessions Court, despite the fact that he was named as the owner of the distillery manufacturing the illicit liquor. The Sessions Court found that the name of the accused – Santosh Janmale was taken by a co-accused person and

his involvement was indicated only on that basis while it was the accused No.1-Amarsingh, who was apprehended from the spot.

7. The applicant in the present case was not even named by the accused No.1. As to whether the agricultural field belongs to the applicant or not is a matter of investigation on the basis of revenue records. As long as the applicant is ready to cooperate with the investigation, a case is made out for granting relief in the present application.

8. In view of the above, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No.0546 of 2024 dated 24<sup>th</sup> May 2024 registered at Yavat Police Station, Pune, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 15<sup>th</sup> July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

10. The application is disposed of.

**MANISH PITALE, J.**