

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

ANTICIPATORY BAIL APPLICATION NO. 2243 OF 2024

Parimal Hirabhai Patel ... Applicant
Versus
Union Territory of Dadra and Nagar Haveli ... Respondent

Mr. Meghdeep M. Oak for the Applicant.
Mr. Harsh Dedhia i/by Mr. Hiten Venegaonkar for Respondent.

**CORAM: MANISH PITALE, J.
DATE : 28th AUGUST 2024**

P.C. :

. Heard learned counsel for the applicant and learned counsel appearing for the respondent.

2. The applicant is one of the accused persons and he is apprehending arrest in connection with FIR No. 0010 of 2024 dated 22nd March 2024 registered at Sayli Police Station, Dist. Dadra and Nagar Haveli, for offences under Sections 272, 273 and 420 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The FIR is registered on the basis of a tempo transporting large number of liquor bottles being apprehended on the date when the FIR was registered. The only person named as accused in the FIR is the driver of the tempo, in which the aforesaid bottles of liquor were being transported. It is on the statement of the named accused person that the applicant's name has featured in

the present case. It is alleged that the applicant provided the aforesaid liquor bottles on an order placed by another co-accused person.

4. The learned counsel for the applicant submits that in the present case, the entire quantity of liquor bottles is already in possession of the Investigating Authority. It is further submitted that the applicant had appeared at least once before the Investigating Officer in pursuance of notice issued under Section 41A(1) of the Code of Criminal Procedure, 1973 (Cr.P.C.). It is submitted that he was again called before the Investigating Officer and since, the applicant apprehended arrest, he moved the Sessions Court for grant of anticipatory bail, but the application was dismissed. It is submitted that even the mobile phone of the applicant has been deposited with the Investigating Officer and he is ready to cooperate with the investigation. On this basis, it is submitted that this Court may consider allowing the present application.

5. On the other hand, the learned counsel appearing for the contesting respondent has opposed the prayer made in the present application. It is submitted that after having appeared before the Investigating Officer on one occasion, the applicant has not been cooperating and he is avoiding to remain present before the Investigating Officer. Certain specific documents were demanded by the Investigating Officer, which have not been produced, it appears that the applicant does not have proper documents to

justify the huge amount of liquor that was recovered in the present case.

6. This Court has considered the rival submissions in the light of the material placed on record. It is a matter of record that the entire quantity of liquor bottles, which forms the basis of registration of the offences in the present case, is already in the custody of the Investigating Authority. The applicant did appear before the Investigating Officer on one occasion. It is also a matter of record that mobile phone of the applicant is already deposited with the Investigating Officer. In such circumstances, considering the fact that the entire quantity of alleged illegal liquor bottles are in the custody of the Investigating Authority and an undertaking is given on behalf of the applicant to cooperate with the investigation, this Court is inclined to allow the present application.

7. 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.0010 of 2024 dated 22nd March 2024 registered at Sayli Police Station, Dist. Dadra and Nagar Haveli, 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 30th and 31st August 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when required by the Investigating Officer.
- (c) The applicant shall cooperate with the investigation and he shall produce all documents in his possession, as demanded by the Investigating Officer.
- (d) 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.

8. 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.

9. The application is disposed of.

MANISH PITALE, J.