



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 672/2023

Mahesh Ravindra Gaddamwar V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.R.Vyas, counsel for the applicant.

Mr. A.R.Chutke, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/02/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 745/2023 registered with Police Station Gadchiroli, for the offences punishable under Sections 65(A), 83 and 98 of the Maharashtra Prohibition Act, 1949. The applicant approached this Court for grant of anticipatory bail.

2. The accusations against the present applicant is on the basis of report lodged by Police Constable- Shrikant Dattu Boina who alleged that secrete information was received that in a four-wheeler, liquor was illegally transported in the area of Gadchiroli, on the basis of said information, the raid was conducted. The vehicle was intercepted and the stock worth of Rs. 5,00,000/- is seized from the said Car. During the interrogation, the name of the present applicant was revealed as a Supplier. Therefore, the applicant is apprehending arrest at the hands of the Police. Considering the role of the present applicant, this Court has

protected the applicant by granting ad-interim protection, and a condition was imposed that he shall attend the concerned Police Station on every Tuesday in between 10.00 a.m. to 12.00 p.m.

3. Learned counsel for the applicant submitted that considering the allegation against the present applicant, he was not present when the vehicle was intercepted, only on the basis of the statement of the co-accused, he is implicated. He has attended the concerned Police Station and only once, he could not attend and he filed the affidavit to that extent. She submitted that custodial interrogation of the applicant is not required as nothing is to be seized from him. In view of that interim protection granted deserves to be confirmed.

4. Learned APP strongly opposed the present application on the ground that the applicant has not obeyed the terms and conditions imposed by this Court and has not cooperated with the investigating agency only once, he has attended the concerned Police Station. He submitted that he has sought specific instructions from the investigating officer. Moreover, there are criminal antecedents against the present applicant. In view of that, application deserve to be rejected.

5. Having heard learned counsel for the applicant and on perusal of the investigation papers, it reveals that during the investigation, the investigating officer has recorded the statement of Bharat Abaji Dhanorkar, who is the driver of

the vehicle which was intercepted, on the basis of said statement the involvement of the present applicant is revealed. Initially, the applicant was protected by granting ad-interim protection but from the investigation papers, it reveals that he has not obeyed the order of this Court by attending the concerned Police Station and has not cooperated with the investigating agency. Thus, he has contravened the terms and conditions imposed by this Court. In view of that, the interim protection granted to him deserves to be cancelled and the application deserves to be rejected.

6. In view of the above facts and circumstances, the criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]