



Cri. Bail Appl. No. 1045/2023
(CNR No. : MHPU14-002929-2023)

Arjun Rathod
Vs.
State of Maharashtra

ORDER BELOW EXH. 1

1. The applicant/accused Arjun Birbal Rathod has moved this application for seeking anticipatory bail under Section 438 of the Cr.P.C. apprehending his arrest on an accusation of having committed an offence punishable under Section 328 of the Indian Penal Code and Section 65(e) of the Bombay Prohibition Act, registered with State Excise Department, Daund, Dist. Pune in **Crime No. 106/2023**.

2. It is the case of prosecution that, informant A.K.Patil, State Excise Department, Daund, Dist. Pune filed his report alleging that, on **24/05/2023** he received information that, applicant/accused at his house at village Pandharewadi Tal. Daund, Dist. Pune has possessed illicit liquor and raw chemical and selling it to the people. Therefore, he along with pancha witness effected the raid at the said spot and they found illicit liquor and raw chemical in the house of applicant/accused. On seeing them, applicant/accused ran away from the spot. Thereafter, they seized the muddemal and as such report came to be filed against him.

3. According to applicant/accused, informant has lodged this false complaint on suspicious ground. The concerned official of State Excise Department has already seized muddemal in this crime and hence his custody is not required. He is permanent resident of

his above mentioned address and therefore, there is no chance of his absconding. Investigation of this crime is completed. He undertakes that, he is ready and willing to abide all the terms and conditions if any imposed by this Court and he will co-operate the investigation. At last, he prayed for releasing him on anticipatory bail.

4. The Investigating officer has filed say below Exh.5 and strongly opposed the present application on the ground that, the applicant/accused has committed very serious nature of offence and investigation of this crime is well in progress. Investigating officer submitted that, if he released on bail, then possibility of repetition of crime and tampering investigation cannot be ruled out. At last, Investigating officer has prayed for rejection of this application.

5. Read application and say given by Investigating officer and learned APP for State. Perused the record. Heard both sides at length.

6. I have considered the submission advanced before me. I also perused the copy of the FIR. It reveals to me that, at the time of conducting raid, applicant/accused ran away from the spot and during raid informant found illicit liquor and raw chemical at the spot and accordingly they have seized the same. Admittedly, recovery is already done in this crime and nothing is remained to be seized from the present applicant. In such situation, looking the stage of investigation and considering nature of allegations, this Court is of opinion that, if applicant/accused released on bail by

imposing certain conditions, it will not any hurdle to the prosecution case. The apprehension raised by the prosecution that, if accused released on bail, then possibility of fleeing away from trial and pressurizing the witnesses can be taken care by imposing some stringent conditions. Accordingly, I inclined to allow the present application and proceed to pass following order.

ORDER

1. Bail Application No.1045/2023 (Exh.1) is allowed.
2. In the event of arrest, the applicant/accused **Arjun Birbal Rathod** be released on bail in connection with **Crime No.106/2023**, registered at State Excise Department, Daund, Dist. Pune for the offence punishable under Section 328 of the Indian Penal Code and Section 65(e) of the Bombay Prohibition Act, on execution of P.R. and S.B. in the sum of **Rs.50,000/- (Rupees Fifty Thousand)** with one or two solvent sureties of the like amount on following conditions :
 - [i] The applicant/accused shall not tamper with the prosecution evidence or pressurize the first informant and witnesses in any manner whatsoever.
 - [ii] The applicant/accused shall assist/co-operate the investigating officer and shall attend the office of State Excise Department, Daund, Dist. Pune as and when required by the Investigating officer till filing of charge-sheet.
 - [iii] The applicant/accused shall remain present before the Court on each and every date during trial.
 - [iv] The applicant/accused shall file his proof of

permanent residence along with his mobile number on record.

[v] The applicant/accused shall give declaration of place of his residence.

[vi] The applicant/accused shall not leave the jurisdiction of this Court without the prior permission of the investigation officer in writing.

[vii] **If breach of the any of the above conditions committed, then investigating officer has liberty to move application for cancellation of bail before this Court.**

3. Intimate to the State Excise Department, Daund, Dist. Pune.
4. Bail application is disposed of accordingly.

Baramati.

Date : 10/10/2023.

[R. K. Deshpande]
Additional Sessions Judge, Baramati
Dist. Pune

CERTIFICATE

I affirm that the contents of this P. D. F. file Order are same word for word as per original Order.

Name of the Steno :- **Shri. D. L. Gudde,**
Stenographer (Grade-I)

Name of the Court :- **Shri. R. K. Deshpande,**
District Judge- 2 & Additional
Sessions Judge, Baramati,
Dist. Pune.

Date of Order :- 10/10/2023

Order checked & signed
by presiding officer on :- 10/10/2023

Order uploaded on :- 11/10/2023.