

MHBIO40012922022



ORDER BELOW EXH.1 IN CRI. BAIL APPLN. No. 484/2022

Muij @ Moij s/o Liyakhat Deshmukh

V/s.

The State of Maharashtra

01] The applicant **Muij @ Moij s/o Liyakhat Deshmukh, age 46 years**, filed bail application U/Sec.439 of Cr.P.C. in connection with Crime No. 145/2022 of Bardapur Police Station for the offences punishable U/Sec.328,272,273,34 of IPC.

02] Informant Tanaji Shivaji Tagad, lodged complaint stating therein that on 08-10-2022 he along with P.S.I. Singhade, Police constable Rathod, Gaikwd, Police Constable Khandare and Raut of Bardapur Police Station were performing their duties. They received information that in a shop of one Deshmukh at Bardapur he was possessing and selling tobacco, Jardha, as well as Gutkha and Pan Masala, as he was very well aware that there is prohibition to possess and sell Gutkha. So on receiving information they had been to the shop of Deshmukh, effected raid and they found tobacco, Gutkha and Jafrani Jardha, pan masala as well as Gutkha of other companies total Rs. 49,881/-. The said muddemal was seized in presence of two panch witnesses. Muddemal property brought towards Police Station and gave information to the Safety Inspector. Thereafter, he lodged the complaint.

3] It is the contention of the applicant that he has not committed any offence as alleged by the informant. He arrested

on 09-10-2022. After sufficient P.C.R. he is taken into M.C.R on 10-10-2022. Mostly investigation is completed. Nothing is to be recovered from him and therefore, he prayed for regular bail.

4] Investigating Officer/APP filed their say stating therein that accused was possessing and selling various kinds of Gutkha near about Rs. 50,000/-. He was very well aware that there is ban in Maharashtra to possess and sell Gutkha. Even though the present applicant possessed said Gutkha for selling purpose. Investigation is in progress. If present applicant is released on bail he will tamper the prosecution witnesses. Therefore, it is prayed for rejection of his bail application.

5] However, perused the bail application, say of I.O. and investigation papers. Heard Ld. Advocate appearing on behalf of the applicant Shri. A.B. Kawade and Ld. APP Shri. R.M. Dhele at length. So, it appears that as per information given by Tanaji Shivaji Tagad, aforesaid offence is registered against the present applicant before Bardapur Police Station. On perusal of the investigation papers, it appears that, on 08-10-2022 informant and other Police staff members effected raid in a shop of the present applicant and seized entire Gutkha, tobacco and pan masala. So it appears that, entire muddemal property is seized by the informant along with other police officers. So nothing is to be recovered from the present applicant.

6] Further, it appears that, the present applicant came to be arrested on 09-10-2022. One day P.C.R. was granted by Ld.J.M.F.C. Ambajogai, and then he came to be taken into M.C.R. So since 10-10-2022 he is in M.C.R. So considering the nature of the offence, involvement of the applicant in the said crime and more particularly considering the say of the I.O. present applicant

is entitled to be released on bail on certain condition.

Hence, I proceed to pass following order.

::O R D E R ::

- 01] Application is allowed.
- 02] Applicant **Muij @ Moij s/o Liyakhat Deshmukh, age 46 years** who is involved in Crime No. 145/2022 registered with Bardapur Police Station for the offence punishable U/Sec.328,272,273,273 r.w. 34, be released on furnishing P.B. of Rs.25,000/-(Rs. Twenty Five Thousand only) with one or two solvent surety of like amount.
- 03] Applicant/accused shall remain present before I.O. for further investigation if any on each Monday in between 10.00 a.m. to 1.00 p.m. and co-operate to the I.O.,till filing of charge sheet.
- 04] The applicant/accused shall not tamper with the prosecution evidence in any manner.
- 05] Bail before Committal Court.

Date : 13.10.2022.

(V. K. Mande)
Special Judge,Ambajogai.

Certificate:-

I affirm that, the contents of this P.D.F file are word to word as per original Judgment / order.

Dictated on : 13-10-2022

Transcribed on: 13-10-2022..

Checked and signed on : 13-10-2022.

Sd/-
(V.L.Bhalekar)
Stenographer Gr-1.