

Hitesh Ramesh Dama @ Nikki And Ors vs State Of Maharashtra on 21 February, 2023

Author: M. S. Karnik

Bench: M. S. Karnik

Darshan Patil

922-aba-522-23.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 522 OF 2023

1) Hitesh Ramesh Dama @ Nikki
2) Imran Mushtak Mansuri
3) Sushil Kumar Kharwar Urf Dhiraj Kumar ..Applicants
VS.
The State of Maharashtra ..Respondent

Mr. Vivek Punjabi for the Applicants.

Ms. A. A. Takalkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2023 P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for pre-arrest bail by the applicant in connection with First Information Report (FIR) No.I-6 of 2023 dated 04/01/2023, registered with Shanti Nagar Police Station, Thane, under sections 188, 272, 273, 328 and 34 of the Indian Penal Code, 1860 and sections 59, 30(2)(a), 26(2)(iv), 23 and 27 of the Food Safety and Standard Act, 2006.
3. Applicant no. 2 is alleged to be the owner of the truck which was seized with the contraband pan masala. In the order of the Sessions Court, applicant no. 1 is also shown to Darshan Patil 922-aba-522-23.odt be the owner of the truck. Applicant no. 3 is named by the co-accused. Learned APP seeks some time to take instructions as the Investigating Officer is not present today.
4. The issue as to the interpretation of section 328 in its relation to contraband pan masala is pending before Hon'ble Supreme Court. The truck and the contraband have already been seized. The co-accused who was arrested has been granted bail. The

applicants were not named in the First Information Report. The case for grant of interim protection is made out.

5. In the meantime, in the event of arrest of the applicants in connection with FIR No.I-6 of 2023, registered with Shanti Nagar Police Station, Thane, the applicants viz.

Hitesh Ramesh Dama @ Nikki, Imran Mushtak Mansuri and Sushil Kumar Kharwar Urf Dhiraj Kumar, shall be released on bail on their furnishing P.R. bond in the sum of Rs.15,000/- each with one or more sureties in the like amount.

6. The applicants shall report to the Investigating Officer on 26/02/2022, 27/02/2023 and 28/02/2023 between 11.00 am and 2.00 pm and thereafter as and when called. The applicants shall cooperate with the investigation.

7. Stand over to 08/03/2023.

(M. S. KARNIK, J.)