

Shreeyog Umesh Gupte vs The State Of Maharashtra on 7 August, 2021

Author: Sarang V. Kotwal

Bench: Sarang V. Kotwal

15-ABA-1908-2019.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1908 OF 2019

Shreeyog Umesh Gupte

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr.S.V. Marwadi i/b Mr. N.M. Nadar for the applicant.
Mr. Ameet A. Palkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 7th AUGUST 2021 P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 60 of 2019, dated 28/03/2019, registered at Kasa Police Station, Palghar, under sections 328, 420, 188, 272, 273 read with Section 34 of the Indian Penal Code and under Section 59 of the Food Safety and Standards Act, 2006.

2. Heard Mr. S.V. Marwadi, learned counsel for the applicant and Mr. A.A. Palkar, learned APP for the State.

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3. The FIR is lodged on 28/03/2019 by API Vinayak Tamhane, attached to Local Crime Branch, Palghar. On 27/03/2019, the first informant and his colleagues were on patrolling duty on National Highway No. 48 since about 8.00 p.m. At that time, API Bharat Patil received a secret information that three trucks bearing registration Nos.

MH-14/EM/8750, MH-14/EH/9778 and MH-14/EM/9776 were transporting prohibited scented supari and pan masala from Valsad. The information was passed on to PI Jitendra Vankoti. He called two panchas and arranged to conduct raid on the highway. At about 11.45 p.m., those three trucks were seen going towards Mumbai. The drivers were asked to stop the trucks. The drivers were Jayram Patil, Bharat Munde, and Sunil Gade. There were other drivers namely Navnath Kamble, Pradeep Munde, Ramesh Nagargoje, Prakash Gurge and Ram Munde. All of them were asked to get down from the trucks. Inquiries were made with them. Initially they did not give proper answers. The police officers then searched all the three y.s.patil 2 of 5 15-ABA-1908-2019.odt trucks. The trucks were found carrying those prohibited goods. When the police officers asked for the bills, the drivers showed bills and tax invoices in respect of sanitary napkins. Those bills were false. It was clear that serious offences were committed. The trucks alongwith the goods were seized. In all prohibited goods worth Rs. 1,77,27,000/- were seized. On this basis the FIR is lodged and the aforementioned drivers were arrested.

4. Mr. Marwadi, Learned Counsel for the applicant submitted that the applicant was undoubtedly owner of these three trucks. But he was not the transporter. He had given these trucks for transportation of sanitary napkins to one Shamraj Bhat. Mr. Marwadi submitted that the applicant believed Shamraj Bhat and therefore, it cannot be said that the applicant has committed any offence. Therefore, his custodial interrogation is not necessary.

5. Learned APP opposed this application. He y.s.patil 3 of 5 15-ABA-1908-2019.odt produced investigation papers before me. He particularly relied on statements of co-accused Dhondiram Nagargoje and Balaji Gite, which, according to him can be used at the stage of anticipatory bail.

6. I have considered these submissions. The prohibited goods were in huge quantity. The investigation is definitely needed. The trucks from which the goods were found belonged to the applicant. There is no written agreement between the applicant and Shamraj Bhat that the trucks were given to Shamraj Bhat for transportation of some other goods. The simple argument on behalf of the applicant is that he relied on bills provided by Shamraj. However, that does not absolve the applicant from his liability. The bills were forged. It is difficult to believe that the applicant was innocently misled by Shamraj Bhat.

7. The statements of aforementioned co-accused Dhondiram and Balaji show that those drivers were asked y.s.patil 4 of 5 15-ABA-1908-2019.odt to meet Shamraj Bhat by the applicant himself. Therefore, at this stage, there is definite nexus between the applicant, his trucks and all other accused. Seized quantity of the goods is quite huge. The investigating agency needs an opportunity to investigate into all these allegations. The allegations against the applicants are based on some definite material. In view of this, the applicant cannot be protected by an order of anticipatory bail, as his custodial interrogation is necessary. The offence of forgery of bills is also made out. No case for anticipatory bail is made out.

8. The application is rejected. The interim protection running in his favour stands vacated. The application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

y.s.patil

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