

Sudhakar Kalyan Pansare And Anr vs The State Of Maharashtra on 25 September, 2023

Author: N. J. Jamadar

Bench: N. J. Jamadar

31-ABA2598-2023.DOC

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2598 OF 2023

Sudhakar Kalyan Pansare and anr.	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. Pranav Pokale, for the Applicants.
Ms. Pallavi Dabholkar, APP for the State/Respondent.
API R. D. Gawade, Local Crime Branch, Pune Rural, present.

CORAM: N. J. JAMADAR, J.
DATED: 25th SEPTEMBER, 2023

ORDER:

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1. Heard the learned Counsel for the applicants and the learned APP for the State.
 2. This application is preferred for pre-arrest bail in connection with CR No.260 of 2023, registered with Rajgad Police Station, Pune Rural, for the offences punishable under Sections 188, 269, 273 and 328 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2)(i), 26(2)(a), 27(3) and 59(iii) of The Food Safety and Standards Act, 2006.
 3. On 24th June, 2023 near Morwadi, Post Kikavi, Taluka Bhore an Eicher make tempo was intercepted. Co-accused were found transporting huge quantity of contraband articles 31-ABA2598-2023.DOC
- gutkha pan masala. It transpired that the said vehicle was owned by applicant No.1.

4. The learned Counsel for the applicants submitted that, in fact, the person who was allegedly the owner of the contraband articles was granted pre-arrest bail by the Court of Session. Applicant No.2 has no concern with the incident in question and has been roped in for being the brother of applicant No.1, who is the owner of the vehicle. The applicants are not privy to the offences and, therefore, they be enlarged on bail in the event of their arrest.

5. In opposition to this, the learned APP submitted that the investigation has revealed that forged number plates were used to ply the said vehicle. Applicant No.1 has been arraigned in the past for an identical offence at Banda police station vide CR No.14 of 2021. Therefore, custodial interrogation of the applicants is warranted.

6. From the perusal of the allegations in the FIR and the material on record it becomes evident that the role attributed to applicant No.1 is that of being the owner of the vehicle, in which the contraband articles were allegedly transported. In a situation of this nature where the contraband article is found to be transported whether an offence punishable under 31-ABA2598-2023.DOC Section 328 of the Penal Code can be said to have been made out, is debatable. As the applicants were not found in possession of the contraband articles, the question as to whether the applicants were also privy to the crime warrants investigation. Hence, I am inclined to protect the liberty of the applicants by directing them to join in the investigation.

7. Thus, the following order:

:ORDER:

(i) In the event of arrest of the applicants in CR No.260 of 2023, registered with Rajgad Police Station, Pune Rural, the applicants be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each.

(ii) The applicants shall cooperate with the investigation and attend Rajgad Police Station on every Saturday in between 10.00 am. to 1.00 pm. till the next date.

(iii) The applicants shall not tamper with the prosecution evidence and give threat or 31-ABA2598-2023.DOC inducement to the first informant and any person acquainted with the facts of the case.

(iv) Stand over to 30th October, 2023.

[N. J. JAMADAR, J.]

