

Sameer Subhahs Mehata vs The State Of Maharashtra on 2 May, 2023

Author: Anuja Prabhudessai

Bench: Anuja Prabhudessai

P.H. Jayani

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1300 OF 2023

Mr. Sameer Subhash Mehata

... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Niranjan Mundargi i/b. Mr. Tejas P. Hartalkar
for the Applicant.

Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd MAY, 2023.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.17/2023 registered with Pandharpur Police Station, Solapur Rural for offences punishable under sections 272, 273, 328, 420, 120-B r/w. 34 of the Indian Penal Code, sections 23(1), 26(1), 26(2)(ii), 3(1)(zz)(iv), 26(2)

(v), 27(2)(d), 59, 3 of Food Safety and Standards Act, 2006.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

P.H. Jayani 17 ABA1300.2023.doc

3. The aforesaid crime was registered pursuant to the FIR lodged by Umesh Subhash Bhuse, a Food Safety Officer. It is alleged that a vehicle which was carrying white substance was intercepted. It was revealed that the said substance is supplied by the Applicant to Shree Swami Samarth Milk

Collection for the purpose of adulteration of the milk.

4. The records reveal that the Applicant is a manufacturer of Melamine, a food addition substance. Learned APP states that there are no restrictions/guidelines as regards sale/purchase of the said substance. At this stage, there is no prima facie material to indicate that the Applicant had entered into criminal conspiracy and/or that the Applicant had supplied Melamine to the proprietor of Shree Swami Samarth Milk Collection for the purpose of adulteration of milk. In such circumstances, in my considered view, this is a fit case for interim bail. Hence, the following order :-

(a) In the event of arrest of the Applicant in C.R.No.17/2023 registered with Pandharpur Police Station, Solapur Rural, he shall be released on interim bail till the next date of hearing, on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

P.H. Jayani

17 ABA1300.2023.doc

(b) The Applicant shall report to the Investigating Officer

for two days i.e. on 05th and 06th May, 2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Stand over to 08/06/2023.

(SMT. ANUJA PRABHUDESSAI, J.)