

# Dadasaheb Jalindar Kudande vs State Of Maharashtra on 6 July, 2022

**Author: N. J. Jamadar**

**Bench: N. J. Jamadar**

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SUBHASH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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CRIMINAL APPELLATE JURISDICTION

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Date: 2022.07.08  
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ANTICIPATORY BAIL APPLICATION NO. 1815 OF 2022

Dadasaheb Jalindar Kudande  
Versus  
The State of Maharashtra

...Applicant

...Respondent

Mr. Ganesh Bhujbal, for the Applicant.  
Mrs. P. N. Dabholkar, APP for the State

CORAM: N. J. JAMADAR, J.  
DATED : 6th JULY, 2022

ORDER:

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1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.149 of 2022, registered with Yawat Police Station, District Pune, for the offences punishable under Sections 188, 272, 273, 328 and 34 of the Indian Penal Code, 1860 ("the Penal Code") and Section 26(2)(1), 26(2) and 27(2) of the Food Safety and Standards Act, 2006.
3. Smt. Kranti Baravkar, the Food Safety Officer, lodged a report with the allegations that a tempo of Eicher make was intercepted. On search, 16,200 packets of scented tobacco/ paan-masala and other

contraband articles were found.

908-ABA1815-22.DOC Co-accused Yasin Khan, who was on the wheel of the said vehicle, came to be apprehended. The incriminating articles were seized. It transpired that the said contraband articles were to be delivered to the applicant. Hence, the first informant lodged report against the person, who was found transporting, the person who had dispatched the said contraband articles, and the applicant to whom they were to be delivered.

4. The learned Counsel for the applicant submitted that the the applicant has no role whatsoever in the transportation of the contraband articles. The provisions contained in Section 328 of the Penal Code have been unjustifiably invoked. The issue as to whether a case of present nature falls within the dragnet of Section 328 of the Penal Code is awaiting consideration before the Supreme Court. A number of matters wherein identical question is raised are posted for consideration before this Court as well, on 5th August, 2022.

5. Hence, the following order:

:ORDER:

(i) Issue notice to the respondents, returnable on 5th August, 2022.

(ii) The learned APP waives notice for the State.

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(iii) In the event of arrest of the applicant in CR No.149/2022, registered with Yawat Police Station, Pune, he be released on bail on furnishing a P. R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

(v) The applicant shall cooperate with the investigation and report to the Investigating Officer as and when directed.

List on 5th August, 2022.

[N. J. JAMADAR, J.]