

Deepa Naresh Bhavnani vs State Of Maharashtra on 24 January, 2022

Author: Sarang V. Kotwal

Bench: Sarang V. Kotwal

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5.aba-183-22.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.183 OF 2022

Deepa Naresh Bhavnani Applicant

Versus

The State of Maharashtra Respondent

Mr. Sachin B. Chandan Advocate for the Applicant.

Mr. P.H. Gaikwad, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 24th JANUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.312/2021 registered at Vithalwadi Police Station, Ulhasnagar, District-Thane on 23.10.2021 under Sections 188, 272, 273 of the Indian Penal Code. Subsequently, Section 328 of IPC is also added. Apart from that, the offence under Sections 26, 27, 30 and 59 of the Food Safety and Standards Act, 2006 were also mentioned in the FIR.

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2. Heard Shri Sachin Chandan, learned counsel for the applicant and Shri P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by one police constable Vishwas Mane. He has stated that on 22.10.2021, when he was on duty, the police officers received a secret information that the applicant was coming at a particular spot with contraband articles consisting of scented tobacco and gutka etc. The police arranged to conduct raid. The panchas were called. They went to the spot at Section 25, Ulhasnagar-4 at about 8.45 p.m.. After about ten minutes, they saw that the present applicant was present there with three big bags. She was accosted. The bags were searched. It was found that she was carrying ninety nine boxes of paan masala, gutka, scented tobacco, chewing tobacco etc. worth Rs.32,683/-. The police asked her about the supply. She did not give any information. The samples were drawn and the contraband was seized. The applicant was given notice under Section 41(1) of Cr.P.C. and she was allowed to go. On this basis, the FIR was lodged.

4. Learned counsel for the applicant submitted that 2 of 4 :3: 5.aba-183-22.odt the applicant was allowed to go from the spot. Therefore, her custodial interrogation is not necessary. There is nothing to be recovered from her because everything was recovered at the spot.

5. Learned counsel submitted that the incident had not occurred in the manner in which it is described in the FIR but there are some other reasons because of which she was arrested and such reasons cannot be disclosed before the Court. He submitted that therefore anticipatory bail be granted to the applicant.

6. Learned APP opposed this application. He submitted that the applicant has not co-operated in the investigation and she has not given information as to from where the contraband was brought.

7. I have considered these submissions. As far as the submission of the learned counsel for the applicant that there was some other reason for conducting this raid is concerned, it is not supported by any material and the submission is vague.

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Therefore, I am not taking note of that submission.

applicant was found with all these prohibited articles. There were 99 such boxes. Obviously the applicant was transacting in those articles which were prohibited. The panchanama was carried out on the spot. The FIR itself mentions that the applicant had not co-operated with the investigation and had not divulged any information.

8. Considering these aspects, the applicant's custodial interrogation is necessary to find out the source of those articles and where the articles were to be sold. The offence is serious. The articles are

prohibited with some definite purpose and this purpose would be defeated if strict action is not taken against the offenders. Therefore, no case for grant of anticipatory bail is made out. The application is rejected.

PRADIPKUMAR PRAKASHRAO
PRAKASHRAO DESHMANE
DESHMANE Date:
 2022.01.25
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 +0530

(SARANG V. KOTW

Deshmane (PS)