

# Rahul Prakash Shete vs The State Of Maharashtra And Another on 17 May, 2024

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD.

ANTICIPATORY BAIL APPLICATION NO.832 OF 2024

Rahul Prakash Shete

.. Applicant

Versus

The State of Maharashtra and Another

.. Respondents

Advocate for Applicant

.....

Shri. C. R. Deshpande

APP for the Respdts No.1 & 2 / State :

Shri. S. R. Wakale

.....

CORAM :

NEERAJ P. DHOTE, J.  
(Vacation Court)

DATED :

17TH MAY, 2024

PER COURT : -

1. The Applicant is seeking Anticipatory Bail in connection with Crime No.95 of 2024 registered with Sarangkhedha Police Station, Dist. Nandurbar for the offences punishable under Sections 328, 272, 273, 188 of the Indian Penal Code and under Sections 26 (2)(iv), 27 (3)(d) (e), 30 (2)(a), 3 (1)(ZZ)(i)(v) and 59 of Food Safety and Standards Act. The aforesaid crime is registered at the instance of policemen.

2. According to the informant, the police got information on 01.05.2024 that the banned Gutkha Pan Masala and scented Tobacco was being sold at one shop situated near bus-stand at Bamkheda. The police raided the said shop and found banned Gutkha, Pan Masala and scented Tobacco worth Rs.2,53,140/-. The person present in the said shop came to be arrested. During investigation, it was revealed that the

arrested accused purchased the said banned articles from the Applicant.

3. In the crime, the only non-bailable Section is 328 of IPC, which reads as under :

"328. Causing hurt by means of poison, etc., with intent to commit an offence.-- Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

4. Considering the role attributed to the Applicant, prima facie the case fall short of essential ingredients for the offence punishable under Section 328 of the Indian Penal Code against the Applicant. In this view of the matter, prima facie case for interim protection is made out. Hence, the following order is passed.

#### ORDER

(i) Issue notice to the Respondents, returnable on 24.05.2024. Learned APP waives notice on behalf of Respondents No.1 and 2.

(ii) Till the next date, in the event of arrest of the Applicant namely Rahul Prakash Shete in connection with FIR No.95 of 2024 registered with Sarangkheda Police Station, Dist. Nandurbar for the offences punishable under Sections 328, 272, 273, 188 of the Indian Penal Code and under Sections 26 (2)(iv), 27 (3)(d)(e), 30 (2)(a), 3 (1)(ZZ)(i)(v) and 59 of the Food Safety and Standards Act, he be released on bail on his executing P. R. Bond of Rs.30,000/- (Rs.Thirty Thousand Only) with One or Two Sureties in the like amount.

(iii) The Applicant shall not tamper with the Prosecution evidence in any manner and shall co-operate with the investigation.

[NEERAJ P. DHOTE] JUDGE GGP Signed by: Gajanan G. Punde Designation: PA To Honourable Judge Date: 17/05/2024 16:10:45