

Ganesh Suvalal Gandhi vs State Of Maharashtra on 20 December, 2023

Author: N. J. Jamadar

Bench: N. J. Jamadar

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3567 OF 2023

Ganesh Suvalal Gandhi

...Appl

Vs.

The State of Maharashtra

...Respond

Mr. Rajesh More, for Applicant.
Smt. Ashwini A. Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 20th DECEMBER, 2023 PC:-

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 C.R. No. 591 of 2023, registered with Bhosari MIDC police station, Pimpri Chinchwad, for the offences punishable under Sections 328, 272, 273, 188 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3) (e), 30(2) (a) and 59 of Food Safety and Standard Act, 2006.

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3) The applicant apprehends arrest in connection with the aforesaid crime as the co-accused in whose possession the contraband articles - Gutakha Pan masala and Tobacco have been seized, has

named the applicant as the supplier of the contraband articles.

4) In the matters involving allegations of identical nature wherein the applicability of the provisions contained in Section 328 of Penal Code is debatable, this Court has granted interim protection while directing the accused to join in the investigation.

5) The learned APP seeks time to take instructions about the antecedents of the applicants.

6) Stand over to 30th January, 2024.

7) In the meanwhile, in the event of the arrest of the applicants

in connection with C.R. No. 591 of 2023, registered with Bhosari MIDC police station, Pimpri Chinchwad, for the offences punishable under Sections 328, 272, 273, 188 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3) (e), 30(2) (a) and 59 of Food Safety and Standard Act, 2006, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

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8) The applicant shall co-operate with the investigation and attend Bhosari MIDC police station, Pimpri Chinchwad, on 3 rd and 4th January, 2024 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by Investigating Officer.

9) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

10) The applicant shall not indulge in the identical activity for which he has been arraigned in this case.

[N. J. JAMADAR, J.]