

Shaukatali Khusiyal Pathan vs The State Of Maharashtra on 21 December, 2023

Author: M. S. Karnik

Bench: M. S. Karnik

2023:BHC-AS:38873

Darshan Patil

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4112 OF 2023

SHAUKATALI KHUSIYAL PATHAN	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Tushar Sonawane for the Applicant.
Mr. Y. Y. Dabke, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code (IPC) and Sections 26(2)(i), 27(3)(e), 3(1)(zz)(iv), 26(2)(e), 59 and 30(2)(a) of the Food Safety and Standards Act, 2006 registered on 11/10/2023 vide C.R. No.535 of 2023 with Kalwa Police Station.

3. Learned APP requested for some more time. However,
I am not inclined to grant any time considering that in

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respect of the offence is alleged under the aforesaid sections, except for Section 328 of the IPC all other offences are bailable. The materials recovered are scented pan masala and scented tobacco. The question whether the offence under Section 328 is attracted to the materials in question is pending consideration before the Hon'ble Supreme Court.

4. It is alleged that on 11/10/2023, one vehicle was intercepted at Kharegaon toll naka. The vehicle was driven by the one Manjitkumar Gango Rai. The applicant is the transporter, in whose truck the goods seized were to be delivered to the concerned person. The entire material has been seized.

5. Learned APP opposed the application and submitted that there are 3 criminal antecedents against the applicant.

6. The applicant was arrested on 22/11/2023. Considering the facts and circumstances in the present case, the antecedents by itself should not come in the way of granting the facility of bail to the present applicant. Applicant's further custody is not required. Hence, the

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following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Shaukatali Khusiyal Pathan in

connection with C.R. No. 535 of 2023 registered with Kalwa Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Kalwa police station once in three months, first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. commencing January 2024.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The Darshan Patil 941-ba-4112-23.doc applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.) Signed by: Darshan Patil Designation: PA To Honourable Judge Date: 21/12/2023 20:00:17