

Satish Murari Lal Sharma vs The State Of Maharashtra on 22 March, 2022

Author: Vibha Kankanwadi

Bench: Vibha Kankanwadi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 ANTICIPATORY BAIL APPLICATION NO.317 OF 2022

SATISH MURARILAL SHARMA
VERSUS
THE STATE OF MAHARASHTRA

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Mr. S.G. Chapalgaonkar, Advocate for the applicant
Mrs. V.N. Patil-Jadhav, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 22nd MARCH, 2022

PER COURT :

- 1 Heard learned Advocate appearing for the applicant.
- 2 Learned APP strongly opposes the application for grant of any

interim relief on the ground that the matter is coming for the first time and she is yet to receive the papers. Contents of the First Information Report shows active involvement of the present applicant. 3 Perusal of the First Information Report would show that Police Constable attached to Gangakhed Police Station had caught hold of a person, who was going on a motorcycle and he was found possessing banned articles 2 ABA_317_2022 of Gutkha and Pan Masala. Further, from the remand report it appears that in all four accused persons arrested thereafter and the last accused i.e. Tavef Kallu Shaikh made a statement to the police that he had purchased or procured the Gutkha from the present applicant. At least, at this stage, from the remand report which was taken on 05.11.2021 it is not appearing that exactly when that statement was made by accused Tavef, but then it appears that all those five persons were arrested on 04.11.2021. If the name of the present applicant could be revealed by the police persons around 04.11.2021, they have not conducted any further activity as

against the present applicant. The present applicant moved the learned Sessions Judge by filing anticipatory bail application on 13.01.2022. In order to establish the connection between the property seized and the present applicant the police had ample opportunity from 04.11.2021 to 13.01.2022. But it appears from the order passed by learned Additional Sessions Judge, Gangakhed on 18.01.2022 that no such documents were produced before him on behalf of prosecution. Under such circumstance, till the papers are perused the applicant deserves to be protected.

4 Issue notice to the respondent, returnable on 08.04.2022. Learned APP waives the notice for the respondent.

5 In the meantime, in the event of arrest of the applicant viz.

3 ABA_317_2022 Satish Murarilal Sharma, in connection with Crime No.430 of 2021 dated 03.11.2021, registered with Gangakhed Police Station, Dist. Parbhani, for the offence punishable under Section 188, 328, 272, 273 of the Indian Penal Code and under Section 59 of the Food Safety and Standards Act, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each. 6 Applicant shall not indulge in any criminal activity nor he should tamper with the evidence of the prosecution, in any manner. 7 Applicant shall cooperate with the investigation and shall remain present before the Investigation Officer on every Sunday, between 10.00 a.m. to 02.00 p.m., till further orders.

(Smt. Vibha Kankanwadi, J.) agd