

Satish Alias Laden S/O Raju Gummelwar vs The State Of Maharashtra Thr Pso Ps ... on 12 June, 2024

2024:BHC-NAG:6089

42.aba.387.24.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.387 OF 2024
(Satish alias Laden s/o Raju Gummelwar Vs. State of Maharashtra)

Office Notes, Office Memoranda of Court's or Judge'
Coram, appearances, Court's Orders
or directions and Registrar's order

Mr. A.C. Jaltare, Advocate for the applicant.
Mr. A.G. Mate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JUNE 12, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail. The applicant is apprehending arrest at the hands of police in connection with Crime No.414/2024 registered with Police Station Chandrapur City, District Chandrapur for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Sections 26(2)(a), 3, 30(2), 4 and 59(i) of the Food Safety and Standards Act, 2006, the applicant approached this Court for grant of pre-arrest bail.

3. The applicant is apprehending arrest at the hands of police as on 11/05/2024 when the police were on patrolling duty, they have intercepted the car of the present applicant and from the said car they have seized the scented tobacco and other contraband articles along with the vehicle worth of Rs.5,70,400/-. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that as far as the present applicant is concerned who is not concerned with the alleged offence. He was not found on the spot. The entire contraband articles are already seized therefore, he protected by granting ad-interim protection.

5. Learned APP strongly opposed the said application on the ground that during investigation, the investigating officer has recorded the relevant statement of the witnesses from which it reveals that

the applicant is absconding from the date of registration of the offence. He further submitted that the applicant who was present at the spot and since the vehicle was intercepted he ran away from the spot. His custodial interrogation is required as he has procured the said contraband articles in the State of Maharashtra, and therefore, prays for rejection of the application.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR from which it reveals that when the car was intercepted it is alleged that the present applicant who was present there fled away from the spot of incident. Admittedly, the entire stock is already recovered by the investigating agency. As per the contention of the learned APP, the custodial interrogation of the present applicant is required for the interrogation purpose. Considering the statement made by the learned APP which can be taken care of by imposing certain conditions on the present applicant. At this stage, there is nothing on record against the present applicant. Thus, considering the facts and circumstances, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Satish alias Laden s/o Raju Gummelwar in connection with Crime No.414/2024 registered with Police Station Chandrapur City, District Chandrapur for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code and Sections 26(2)(a), 3, 30(2), 4 and 59(i) of the Food Safety and Standards Act, 2006, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 pm. and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall not involve himself in similar type of the activities.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.) *Divya