

# Bapu Subhash Borhade vs The State Of Maharashtra on 4 December, 2021

**Author: V.G.Bisht**

**Bench: V.G.Bisht**

18-ABA-2866-2021.DOC

TRUPTI  
SADANAND  
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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CRIMINAL APPELLATE JURISDICTION

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ANTICIPATORY BAIL APPLICATION NO. 2866 OF 2021

Bapu Subhash Borhade ...Applicant  
Versus  
The State of Maharashtra ...Respondent

.....  
Mr. Aniket U. Nikam i/b. Mr. V.N. Arote for the Applicant.  
Mr. Ameet Palkar, APP for the Respondent-State.

.....  
CORAM: V.G.BISHT, J.  
DATE: 4TH DECEMBER, 2021

PC:-

1. Heard learned Counsel for the applicant and learned APP.
2. Perused the First Information Report (FIR).

3. It appears that the applicant was found storing Gutkha and Paan Masala in his premises. However, having regard to the facts and circumstances of the case, prima facie the applicability of Section 328 of the IPC appears to be doubtful. The applicant, therefore, has made out a case for ad-interim protection. Hence the following order is passed :

ORDER

(i) In the event of arrest of the applicant in C.R.No. 770 of 2021 registered with Shirur Police Station, Pune Rural for the offences punishable under Sections 328, 188, 272, 273 read with 34 of the IPC and Sections 26 (2) (i), 26 (2) (ii), 26 (2)

(iv), 27 (3) (d), 30 (2) (a) of Food Safety and Standards Act, 2006, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 20,000/- with one or two surety/sureties in like amount.

(ii) The applicant shall make himself available for interrogation by a police officer of concerned police station as and when required.

(iii) The applicant shall not tamper with prosecution evidence.

(iv) Issue notice to the concerned police station, returnable on 10th January, 2022.

(v) This order shall remain in force till the next date.

(V.G.BISHT, J. )