

Jaypal Venkati Jadhav vs The State Of Maharashtra And Another on 26 August, 2024

Author: Shivkumar Dige

Bench: Shivkumar Dige

2024:BHC-AUG:19385

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
76 BAIL APPLICATION NO. 1247 OF 2024
JAYPAL VENKATI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.Birajdar Yogesh G. a/w Mr.Shinde Namdev
Shatrughan

APP for Respondent/State : Mr.S.B. Narwade

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CORAM : SHIVKUMAR DIGE, J.

DATE : 26th August, 2024.

P.C.:

1. The applicant is seeking bail in connection with FIR No.I-362 of 2024 registered with MIDC Police Station, Latur, Dist.Latur, for the offences punishable under sections 188, 272, 273, 328, 367, 368, 370 read with 34 of the Indian Penal Code (For short, "IPC"), section 59 of the Food Safety and Standards Act and section 14 of the Child Labour (Prohibition and Regulation) Act.
2. It is prosecution's case that on 28th May, 2024, around 2:00 p.m., the Police has seized Gutka material and machines for preparing the Gutka from plot no.C-27, MIDC, Latur i.e. Kombde Agro Warehouse. It is alleged that the police has arrested the co-accused Ankush Kadam, Hasankumar Uram, Ramesh Rishi and two minor boys Bittukumar

Paswan and Guddukumar Paswan. It is alleged that owner of the said godown co-accused Dhananjay Kombde and co-accused Paras Pokarna, Ram Kende and Vijay Kende were preparing Gutka and

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selling. It is alleged that the applicant was doing work as supervisor in the said godown.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. No name of the applicant is mentioned in the F.I.R. The allegations against the applicant are that he was supervising the production of Gutka and selling it. On the statement of the co-accused, the applicant's name is involved in this case. The police has seized the stock of Gutka.

Considering the allegations against the applicant, further custodial interrogation is not required as the applicant is behind bar more than 85 days. Investigation is almost completed. Nothing is to be recovered at the instance of the applicant and requested to allow the application.

4. It is the contention of the learned APP that the applicant was working as supervisor in the godown from which the police has seized huge stock of Gutka. The said Gutka was prepared there. The applicant was looking after production and selling of the said Gutka. It shows involvement of the applicant in the said crime. Another crime of similar nature is registered against the applicant. If the applicant is released on bail, he may abscond and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The allegations against the applicant are that he was supervisor

in the godown from where the police has seized Gutka. No name of the applicant is mentioned in the F.I.R. On the statement of co-accused name of the applicant is added in this crime as role attributed to the applicant that he was supervisor. He is behind bar more than 85 days. Nothing was recovered at his instance when he was in police custody. Considering these facts, the further detention of the applicant is not required. Though other offence is registered against the applicant but it appears that it is registered when he was behind bar and he has been released on bail in the said offence. Considering these facts, I pass the following order :-

ORDER

(i) The application is allowed.

(ii) The applicant in connection with FIR No.I-362 of 2024 registered with MIDC Police Station, Latur, Dist.Latur, for the offences punishable under sections 188, 272, 273, 328, 367, 368, 370 read with 34 of the Indian Penal Code, section 59 of the Food Safety and Standards Act and section 14 of the Child Labour (Prohibition and Regulation) Act be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence.

(b) the applicant shall not indulge in crime of similar nature.

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(c) the applicant shall attend the concerned police station as and when required by the Investigating Officer, till filing of the charge-sheet.

[SHIVKUMAR DIGE, J.] sga