

Deepak Vitthal Makhare And Another vs The State Of Maharashtra on 3 May, 2023

Author: S. G. Mehare

Bench: S. G. Mehare

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.721 OF 2023
WITH BA/722/2023

DEEPAK VITTHAL MAKHARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Rahul R. Karpe
APP for Respondent: Mr. S. P. Sonpawale

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CORAM : S. G. MEHARE, J.

DATE : 03.05.2023

PER COURT :

1. Heard the learned counsel for the applicants and the learned A.P.P for the respondent/State.

2. The applicants are seeking bail in crime No. 303/2023 registered with Shrigonda Police Station, District Ahmednagar for the offence punishable under Sections 272, 273, 328, 420 of the Indian Penal Code and Sections 26, 26(2)(i) and 59 of Food Safety and Standards Act, 2006.

3. The applicants are claiming that they are milk sellers and used to supply milk at milk collection center run by accused No.2. The false allegations have been levelled against them that they were adulterating the milk by using Whey Permeate

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Powder which was harmful to the human life. However, nothing incriminating like possessing the said powder is collected from the applicants. The only evidence against them is that the quantity of the milk supply was gradually reduced. The Court is of the view that reducing the quantity of milk may not be sufficient to believe that they used to adulterate Whey Permeate powder and Paraffin in milk. They have claimed that they were simply supplying milk to the accused No.2. They are agriculturists having additional business of milk. Considering the facts of the case and the role attributed to the applicants, the Court is of the view that their further detention would serve no purpose. Hence, the following order :-

ORDER

(i) The applications are allowed.

(ii) Applicant No.1 Deepak Vitthal Makhare and Applicant No.2 Nilesh Tukaram Makhre in B.A. No.721 of 2023 and applicant No.1 Vaibhav Ramdas Raut and applicant No.2 Sandip Baban Raut in B.A. No.722 of 2023 be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- each with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station, on the following conditions :-

(a) They shall not tamper with the prosecution witnesses.

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(b) They shall attend the concerned police station as and when called by the Investigating Officer on written notice till filing of the chargesheet.

(S. G. MEHARE) JUDGE ysk