

Ganesh Narayan Mahulkar vs The State Of Maharashtra Through Pso Ps ... on 1 March, 2024

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 161 OF 2024
Ganesh Narayan Mahulkar V/s State of Maharashtra

Office Notes, Office Memoranda of Court's or Judge's Order
Coram, appearances, Court's Orders
or directions and Registrar's order
Mr. M.N.Ali, counsel for the applicant.
Mr. N.R.Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/03/2024.

1. Apprehending the arrest at the hands of Police, in connection with Crime No. 46/2024 registered with Police Station Sewagram, Tq. Sewagram, District Wardha for the offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code, 1860 and under Section 26, 26(2)(iv), 27(2)(e), 30(2)(a), 3(1)(zz) (iv) and 59 of the Food Safety and Standards Act, 2006. The applicant seeks pre-arrest bail.

2. The applicant is implicated in said crime on the basis of the statement of the co-accused. As per the case of the prosecution is concerned, on 27/01/2024 Food Safety Inspector along with the police officials conducted raid and intercepted the vehicle of co-accused Diraj Yadav and Gaurav Meshram, and during the raid, seized the scented tobacco and Gutakha weighing around 14.510 Kg. Worth of Rs. 21,110/-. On the basis of said report, the Police have registered the crime. During the investigation, the name of the present rkn 2 13aba161.2024.odt applicant is revealed and therefore, the present applicant is apprehending the arrest at the hands of the Police.

3. The learned counsel for the applicant submitted that the involvement of the present applicant is only on the basis of statement of the co-accused. Moreover, the issue regarding the application of Section 328 of the Indian Penal Code is pending before the Hon'ble Apex Court. Considering the allegation, immediate custodial interrogation is not required. In view of that, he be protected by granting pre-arrest bail.

4. The learned APP strongly opposed the present application and submitted that the huge quantity is seized from the co-accused. The custodial interrogation of the present applicant is required to ascertain from which place, the present applicant has procured and supplied the said goods.

5. Considering the name of the present applicant is not mentioned and the involvement is only on the basis of the statement of the co-accused, his immediate custodial interrogation is not required. Moreover, the contraband articles are already seized, he can be protected by granting pre-arrest bail by imposing certain conditions. Accordingly, I proceed to pass the following order:

a) Issue notice to the non-applicant.

b) Mr. N.R.Rode, learned APP waives service of notice on behalf of non-applicant/State.

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c) In the event of his arrest, in connection with Crime No. 46/2024 registered with Police Station Sewagram, Tq. Sewagram, District Wardha for the offence punishable under Sections 188, 272, 273, 328 of the Indian Penal Code, 1860 and under Section 26, 26(2)(iv), 27(2)(e), 30(2)(a), 3(1)(zz)

(iv) and 59 of the Food Safety and Standards Act, 2006, the applicant - Ganesh Narayan Mahulkar, is released on ad-interim anticipatory bail on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

d) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.

e) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

Stand over after two weeks.

[URMILA JOSHI-PHALKE, J.] Signed by: Mr. R.K. NANDURKAR rkn Designation: PA To Honourable Judge Date: 04/03/2024 10:52:41