

Bhiwa Shankar Vyandande And Anr vs State Of Maharashtra on 4 August, 2022

Author: Prithviraj K. Chavan

Bench: Prithviraj K. Chavan

902-ABA-2112-2022.

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2112 OF 2022

1. Bhiwa Shankar Vyandande]

2. Bhagwant Bhiwa Vyandande] Applicants

Vs.

The State of Maharashtra] Respondent

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Mr. Rajaram V. Bansode, for Applicants.

Mr. P.H. Gaikwad, A.P. P, for Respondent-State.

Mr. N.V. Sontakke - Police Head Constable, Malshiras Police Station.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 4th August, 2022.

P.C.

1. Heard.

2. Learned Counsel for the applicants has invited my attention to an order passed by this Court on 14 th July, 2022 by which accused Barikarav Pandurang Mote - owner of the contraband articles has already been granted interim protection.

3. The learned Additional Sessions Judge, Malshiras by an order dated 30th June, 2022 has also granted anticipatory bail to accused Dilip Maske, who is the manufacturer of contraband. Role attributed to the present applicants is that contraband articles were kept in their house by the accused - Barikrao. It is submitted that the applicants are innocent, in the sense, the goods were kept in their house when there were only female members, who are illiterate and ignorant.

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4. Considering the above circumstances, the applicant's role, prima facie, appears to be less grave than the role of accused- Dilip Maske and Barikarav Mote and, therefore, they are entitled for interim protection. Hence, following order is expedient;

[a] In the event of their arrest, the applicants be released on bail upon furnishing a P.R bond in the sum of Rs.15,000/- each, with one surety in the like amount in connection with C.R. No.327 of 2022 registered with Malshiras Police Station, Solapur (Rural) for the offences punishable under section 59 of The Food Safety and Standard Act, 2006 and under sections 353, 328, 188, 272 r/w 34 of the Indian Penal Code; [b] The applicants shall co-operate with the Investigating Officer by reporting him, as and when summoned and shall not induce threat or coerce prosecution witnesses;

5. Issue notice to the respondent returnable on 5 th September, 2022 indicating as to why interim protection granted to the applicants should not be made final?

6. List the application on 5th September, 2022.

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