

Dilip Ramchandra Maske vs The State Of Maharashtra on 23 March, 2023

Author: Anuja Prabhudessai

Bench: Anuja Prabhudessai

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 855 OF 2023

Dilip Ramchandra Maske

..Applicant

v/s.

The State of Maharashtra .

..Respondent

Mr. Abhishek Nandinath i/b. Umesh R. Mankapure for the Applicant.

Mr. Shrikant Yadav, APP for the State.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 23rd MARCH, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.155 of 2023 registered with Mangalvedha Police Station, Solapur for offences under Section 188, 272, 273, 328 of the Indian Penal Code and Section 26(2)

(i), (ii), (iv), 27(iii) 30(2)(A), 59 of Food Safety and Standards Act, 2006.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Assistant Commissioner Umesh Subhash Bhuse. The case of the pps 1 of 3 7 aba 855-23.doc prosecution is that one vehicle bearing No. MH 45 AM 3771 was intercepted, and upon taking search of the said vehicle, it was revealed that the said vehicle was used to transport Gutkha pan masala from Karnataka to Maharashtra. It is alleged that the driver of the said vehicle had disclosed that the Applicant is the owner of the gutkha which was being transported by the said vehicle. Learned APP states that the vehicle which was intercepted is registered in the name of the Applicant.

4. It may be mentioned that apart from the statement of the co-accused, there is no other material to show the involvement of the Applicant. Moreover, the issue of applicability of Section 328 in such cases is pending before the Honourable the Supreme Court. The other offences under Indian Penal Code are punishable with maximum punishment of 6 months. It is stated that the matter is scheduled to be listed before the Honourable Supreme Court on 13.04.2023. Hence, stand over to 17.04.2023.

5. The Applicant is granted interim bail till the next date of hearing on the following terms and conditions:-

(i) In the event of arrest of the Applicant in Crime No. C.R.No.155 of 2023 registered with Mangalvedha Police Station, Solapur, the Applicant be released on interim bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two pps 2 of 3 7 aba 855-23.doc sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for two days on 27th and 28th March, 2023 from 11.00 a.m. till 2.00 p.m. further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. Stand over to 17.04.2023.

(ANUJA PRABHUDESSAI, J.)

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