

# Mahesh Dattatray Kalkute vs The State Of Maharashtra on 23 September, 2021

Equivalent citations: AIRONLINE 2021 BOM 3608

Author: Revati Mohite Dere

Bench: Revati Mohite Dere

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL BAIL APPLICATION NO. 3285 OF 2021

Mahesh Dattatray Kalkute  
Versus  
The State of Maharashtra

...Applica

...Respond

Mr. Rohan Hogle a/w Ms. Swarali Joglekar and Tushar Sonawne for  
Applicant.

Ms. Anamika Malhotra, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.  
DATE : 23rd SEPTEMBER, 2021  
(Through Video Conferencing)

P.C. :

1. Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlarg  
in connection with C.R. No. 577 of 2021 registered with the Bho  
Station, Pune, for the alleged offences punishable under Section

273, 328 read with 34 of the Indian Penal Code and Section 30(2) of the Food Safety and Standards Act, 2006.

3. Perused the papers. The allegations as against the

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that he was found in possession of Vimal Pan Masala which is prohibited in Maharashtra as per the order of the Food Commissioner. The contraband which was found i.e. Vimal Pan Masala was valued at Rs. 1,10,440/-. Learned Counsel for the applicant submits that the co-accused in the said case, Gajanan Dnyanba Shinde has been released on bail and that the allegations as against Gajanan was that he had purchased the contraband from the applicant and was found selling the same. The contraband which was found with Gajanan was valued at Rs. 15,840/-. Learned Counsel for the applicant submits that taking the prosecution case as it stands, no offence under Section 328 of the Indian Penal Code is disclosed qua the applicant. Prima facie, in the facts, it is doubtful whether an offence under Section 328 of the Indian Penal Code is disclosed qua the applicant. Rest of the Sections with which, the applicant is charged are allailable. Investigation seems to be almost over. Learned Counsel for the applicant states that the applicant has no antecedents. Statement accepted.

4. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

#### ORDER

(i) The applicant be released on cash bail in the sum of Rs. 25,000/-, for a period of eight weeks;

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(ii) The applicant shall within the said period of eight weeks, furnish P.R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;

(iii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of his release, except if the date in the trial Court falls on a Saturday;

(iv) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

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5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.