

Abhijeet Jitendra Lolage vs The State Of Maharashtra on 20 September, 2023

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(arising out of SLP(Crl.) No. _____ of 2023
[@ Diary No. 2806/2023]

ABHIJEET JITENDRA LOLAGE

VERSUS

STATE OF MAHARASHTRA

O R D E R

Permission to file the appeal by special leave without certified copy and plain copy of the impugned judgment/order is granted.

Leave granted.

It is submitted that co-accused have been granted bail by the Additional Sessions Judge, Baramati, District Pune, Maharashtra vide order dated 12.11.2021.

Looking at the facts and circumstances of the case, we confirm the interim order passed by this Court on 10.02.2023 and direct that in the event of the appellant – Abhijeet Jitendra Lolage being arrested in connection with First Information Report (FIR)/Crime no. 74/2022 dated 12.11.2022 registered with Police Station – Malegaon, District – Nashik, Maharashtra for the offence(s) punishable under Sections 328 and 188 of the Indian Penal Code, 1860 and Sections 26(1), 26(2)(a), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006, he shall be released on Crl.A. No._____/2023 @ SLP(Crl.)_____/2023 @ Diary No. 2806/2023 1 bail by the arresting/investigating officer/trial Court on terms and conditions to be fixed by the trial Court and also comply with the requirements/conditions stipulated under Section 438(2) of the Code of Criminal Procedure, 1973.

We deem it appropriate to impose the condition – “I, Abhijeet Jitendra Lolage do undertake to not deal with Gutkha, that is, Pan Masala with Tobacco”. In case, the appellant - Abhijeet Jitendra Lolage violates the terms and conditions of bail, including the undertaking imposed, it would be open to the prosecution to seek cancellation of bail.

We clarify that the observations recorded herein will not be treated as findings on the merits of the case.

The impugned judgment/order is set aside and the appeal is allowed in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

.....J. (SANJIV KHANNA)J. (S.V.N. BHATTI) NEW DELHI;

SEPTEMBER 20, 2023.

Crl.A. No. _____/2023 @ SLP(Crl.) _____/2023 @ Diary No. 2806/2023
ITEM NO.13 COURT NO.3

SECTI

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 2806/2023 (Arising out of impugned final judgment and order dated 12-01-2023 in ABA No. 3489/2022 passed by the High Court Of Judicature At Bombay) ABHIJEET JITENDRA LOLAGE Petitioner(s) VERSUS STATE OF MAHARASHTRA Respondent(s) (IA No. 16357/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 16359/2023 - EXEMPTION FROM FILING O.T. and IA No. 16355/2023 - PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER) Date : 20-09-2023 This matter was called on for hearing today. CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE S.V.N. BHATTI For Petitioner(s) Mr. Yatin M. Jagtap, Adv.

Mr. Sunil Kumar Sharma, AOR For Respondent(s) Mr. Abhikalp Pratap Singh, Adv.

Mr. Siddharth Dharmadhikari, Adv.

Mr. Aaditya Aniruddha Pande, AOR Mr. Bharat Bagla, Adv.

Mr. Sourav Singh, Adv.

Ms. Yamini Singh, Adv.

Mr. Aditya Krishna, Adv.

Mr. Anoop Raj, Adv.

UPON hearing the counsel the Court made the following O R D E R Permission to file the appeal by special leave without certified copy and plain copy of the impugned judgment/order is granted.

Leave granted.

In terms of the signed order, the interim order passed by this Crl.A. No._____/2023 @ SLP(Crl.)_____/2023 @ Diary No. 2806/2023 3 Court on 10.02.2023 is confirmed and it is directed that in the event of the appellant – Abhijeet Jitendra Lolage being arrested in connection with First Information Report (FIR)/Crime no. 74/2022 dated 12.11.2022 registered with Police Station – Malegaon, District – Nashik, Maharashtra for the offence(s) punishable under Sections 328 and 188 of the Indian Penal Code, 1860 and Sections 26(1), 26(2)(a), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006, he shall be released on bail by the arresting/investigating officer/trial Court on terms and conditions to be fixed by the trial Court and also comply with the requirements/conditions stipulated under Section 438(2) of the Code of Criminal Procedure, 1973.

It is deemed appropriate to impose the condition – “I, Abhijeet Jitendra Lolage do undertake to not deal with Gutkha, that is, Pan Masala with Tobacco”. In case, the appellant - Abhijeet Jitendra Lolage violates the terms and conditions of bail, including the undertaking imposed, it would be open to the prosecution to seek cancellation of bail.

It is clarified that the observations recorded in the signed order will not be treated as findings on the merits of the case.

The impugned judgment/order is set aside and the appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)

Crl.A. No._____/2023 @ SLP(Crl.)_____/2023 @ Diary No. 2806/2023