

Mohamadali Abdulaziz Alwadkar vs State Of Maharashtra on 21 September, 2023

Author: M. S. Karnik

Bench: M. S. Karnik

2023:BHC-AS:27939

PMB

11.ba.2543-23.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2543 OF 2023

MOHAMADALI ABDULAZIZ ALWADKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aniket Ujjwal Nikam a/w Mr. Aashish Satpute i/b. Mr.
Amit Icham for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 21, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 328, 188, 272, 273 of the Indian Penal Code (hereafter 'IPC' for short) and under Section 59 of the Food Safety and Standard Act, 2006 registered on 27.07.2023 vide C.R. No.471 of 2023 with Islampur Police Station, Sangli.

3. The date of the incident is 27.07.2023. While on patrolling duty the complainant found a truck stationed near

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the national highway. The driver of the truck (present applicant) ran away. On inspection, the complainant found Gutka/Tobacco and scented pan masala in the said truck. The applicant was arrested on 31.07.2023. It is the contention of learned counsel for the applicant that the materials did not belong to the applicant. All offences except Section 328 of the IPC are bailable in nature. Section 59 of the Food Safety and Standard Act, 2006 is non-bailable. So far as Section 328 is concerned, the issue whether the substance seized will come within the ambit of Section 328 of the IPC is pending before the Hon'ble Supreme Court. The entire goods have been seized. There are no criminal antecedents reported against the applicant. The applicant was arrested on 31.07.2023. Though the charge-sheet is yet to be filed, the custody of the applicant is not required. The applicant can be enlarged on bail by imposing stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant-Mohamadali Abdulaziz Alwadkar in connection with C.R. No.471 of 2023 registered with PMB 11.ba.2543-23.odt Islampur Police Station, Sangli shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Islampur Police Station, Sangli once in a week every Saturday of the month between 11.00 a.m. and 1.00 p.m. till the charge-sheet is filed and thereafter once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) Till the charge-sheet is filed the applicant shall not leave the jurisdiction of Sangli district without intimation to the Investigating Officer.

4. The application is disposed of.

(M. S. KARNIK, J.) Signed by: Pradnya Bhogale Designation: PA To Honourable Judge Date: 21/09/2023 18:54:43