

# Sheshkumar Mangal Sing vs State Of Maharashtra on 15 September, 2023

**Author: M. S. Karnik**

**Bench: M. S. Karnik**

2023:BHC-AS:27445

Darshan Patil

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2757 OF 2023

SHESHKUMAR MANGAL SING ..APPLICANT  
VS.  
THE STATE OF MAHARASHTRA ..RESPONDENT

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Adv. Umesh H. Pawar for the Applicant.  
Mr. P. H. Gaikwad, APP for the State.  
Shitalkumar Kolhal, Assistant Police Inspector, Shahapuri  
Police Station, Kolhapur

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CORAM : M. S. KARNIK, J.  
DATE : SEPTEMBER 15, 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, 272, 273, 188 of the Indian Penal Code (hereafter 'IPC' for short) and Section 59 of the Food Safety and Standards Act, 2006, registered on 23/08/2023 vide C.R. No.848 of 2023 with Shahupuri Police Station, District Kolhapur.
3. The applicant was arrested on 23/08/2023. The

complainant is working as a Food Safety Inspector in the  
Department of Food and Medicine at Kolhapur.

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23/08/2023 he received secret information that one vehicle  
bearing No. MH-14 KL 5999 will be traveling on the Pune-  
Bangalore Highway illegally carrying Panmasala and  
Tobacco substances. As per the information, the  
Complainant and other officers with one panch witness  
made a trap and stopped the above vehicle at Tanwani  
Hotel Chowk, Kolhapur and took a search. At that time  
Applicant was found in possession along with banned  
Guthaka, Panmasala, Scented Tobacco and coconut bags.  
The entire goods have been recovered and are in the  
custody of the investigating agency.

4. The applicant was working as a driver on the said  
vehicle. It is the accusation that the goods belonged to the  
accused No. 3. The applicant has been in custody since  
23/08/2023 and there are no criminal antecedents reported  
against the present applicant. Further custody of the  
applicant is not required. Except for Section 328 of the IPC,  
all other sections are bailable in nature. The issue about the  
applicability of Section 328 of IPC in such a case is the  
subject matter of consideration before the Supreme Court in

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a batch of petitions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Sheshkumar Mangal Sing in connection

with C.R. No.848 of 2023 registered with Shahupuri Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Shahupuri police station once in two months, every first Monday of the alternate month, between 11.00 a.m. and 1.00 p.m. commencing from October 2023.

(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.

5. The application is disposed of.

(M. S. KARNIK, J.) Signed by: Darshan Patil Designation: PA To Honourable Judge Date: 16/09/2023 12:45:40