

Rajaram Madhukar Khade vs The State Of Maharashtra on 30 November, 2021

Author: V. G. Bisht

Bench: V. G. Bisht

13-aba-2837-2021.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2837 OF 2021

Rajaram Madhukar Khade

... Applica

Versus

The State of Maharashtra

... Respond

Mr. Ganesh Bhujbal, for the Applicant.

Ms. P. N. Dabholkar, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

DATE : 30th November, 2021.

PC:

The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Section 328 read with 34 of the Indian Penal Code and Section 26(2)(i), 27(2)(e), r/w 3(i)(zz) (I), (iii), (iv) and 5 and Sec. 5 Food Safety and Standards Act, 2006 registered vide C.R. No. 351 of 2021 with Walchand Nagar Police Station, Pune.

2 Heard learned Counsel for the applicant and learned APP.

3 It appears that the applicant was found in possession of raw material and other material used in manufacturing country liquor.

Rekha Patil

13-aba-2837-2021.odt

However, having regard to the facts and circumstances of the case, prima facie it appears that the applicability of Section 328 of the IPC appears to be doubtful. The applicant therefore has made out a case for ad-interim protection. Hence, the following order is passed as an ad-interim measure:

ORDER

(i) In the event of arrest of the applicant Rajaram Madhukar Khade in C.R. No. 351 of 2021 registered with Walchand Nagar Police Station, Pune for the offences punishable under Section 328 read with 34 of the Indian Penal Code and Sections 26(2)(i), 27(2)(e), r/w 3(i)(zz) (I), (iii),

(iv) and 5 and Sec. 59 of the Food Safety and Standards Act, 2006, he be enlarged on bail on his furnishing PR and SB in the sum of Rs.20,000/- with one or two sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) Issue notice to the concerned police station, returnable on 7th January, 2022.

(iv) This order shall remain in force till the next date.

(V. G. BISHT, J.)