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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1303 OF 2015

Raju Laxman Pachhapure	... Applicant
Vs	
The State of Maharashtra	... Respondent

Mr. Harshad H. Ponda i/b Mr. Vinayak R. Patil, for the Applicant.
Ms. Veera Shinde, APP for the Respondent – State.

**CORAM : REVATI MOHITE DERE, J.
DATE : 03rd SEPTEMBER, 2015**

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.

2. By this Application, the Applicant seeks pre-arrest bail, in connection with C.R. No.160 of 2015, registered with the Shivajinagar Police Station, Kolhapur, for the alleged offences punishable under Sections 328, 188, 272, 273 of the Indian Penal Code and Section 59 of Food Safety and Standards Act, 2006.

3. The complaint has been filed by one Aabhinandam Mahavir

Randive, Food Safety Officer, Food and Drug Office, Kolapur. He has alleged that on 19th August, 2015, he received information that contraband substances were stored in the shops viz., Balaji Supari Centre and Bhagaylaxmi Pan Shop, Pursuant to the said information, a raid was conducted and banned substances worth Rs.41,095/- were seized from the said shops and from the godown behind the Balaji Supari Centre. The two persons who were in the shop at the relevant time were arrested and were released on bail after few days.

4. Learned Counsel for the Applicant submits that admittedly the applicant was not present at the shops, when the raid was conducted and infact he has not been named in the FIR. He submitted that except the statement of the co-accused, there is no material to connect the applicant with the alleged offences. He submitted that considering the nature of allegations as are disclosed in the FIR, no offence under Section 328 of the Indian Penal Code is disclosed. He submitted that apart from the said Sections, rest of the Sections alleged by the complainant are bailable. He submitted that false cases were being registered against the applicant, as he had lodged cases against public servants under the Prevention of Corruption

Act.

5. Learned APP submitted that Section 328 of the Indian Penal Code would apply to the facts of the said case. She submitted that the Applicant was involved in similar cases in the past and that there are six cases registered as against him.

6. Perused the papers. *Prima-facie*, the application of Section 328 of the Indian Penal Code is doubtful in the present case. Admittedly, the applicant was not present at the spot. The applicant is also not named in the FIR. As far as antecedents are concerned, it appears that there are six cases registered as against the present applicant, which are similar in nature. Keeping in mind the antecedents, strict conditions can be imposed on the applicant.

7. Considering what is stated hereinabove, the Applicant is granted anticipatory bail on the following terms and conditions:-

ORDER

- i) In the event of arrest, the Applicant be enlarged on bail

furnishing P.R.Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount ;

- ii) The Applicant shall attend the Shivajinagar Police Station, Kolhapur, on the 1st and 3rd Saturday of every month between 10.00 a.m. to 12.00 noon, till the conclusion of the trial;
 - iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case ;
 - iv) The Applicant shall co-operate in the conduct of the trial.
8. The Application is allowed and disposed of in above terms.
9. It is made clear, that the observations made herein are prima-facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.