

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

mpa

CRIMINAL BAIL APPLICATION NO.259 OF 2015

Mohsin Salauddin Shaikh	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Prashant Gavali, Advocate for the Applicant.
Ms.A.T. Javeri, A.P.P. for Respondent – State.
PSI Kishor P. Chorge, Crime Branch Unit 5, Thane, present.
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CORAM : REVATI MOHITE DERE, J.

DATED : FEBRUARY 18, 2015.

P.C. :

Heard the learned counsel for the Applicant and the
learned A.P.P. for the Respondent – State of Maharashtra.

2 By this application, the applicant seeks bail in
connection with C.R.No. I-481 of 2014, registered with Kapurbawadi
police Station, for the alleged offences punishable under Sections 272,
273, 188, 328 of the Indian Penal Code (IPC) and Sections 26(2)(i)
read with 27(3)(3), 3(1)(zz)(v), 26(2)(i), 30(2)(a) read with Sections
2,3 and 4 (Prohibition & Restriction on Sale) of the Food Safety and
Standards Act, 2006 and Section 31(1) of the Shops and
Establishments Act.

3 It is alleged by the prosecution that on 29th December, 2014, one tempo driver namely Sajeed Sahid Thanekar was found in possession of banned gutka products in front of More Mall at Manpada, Thane. The said banned articles were taken into custody by the police. According to the prosecution, the present applicant was the supplier of the banned items. Learned counsel for the applicant submits that although Section 328 of the Indian Penal Code has been alleged as against the present applicant, the same will not have any application to the facts of the present case. As far as other offences that are alleged, he submits that all the other sections are bailable. According to the prosecution, it is alleged that the present applicant is the supplier of goods. There is no material to show that the applicant was the supplier of goods. The applicant has no antecedents. Even otherwise, the applicability of Section 328 to the facts of the present case is debatable. Rest of the sections alleged being bailable, the applicant is entitled to be released on bail on the following terms and conditions:

:: ORDER ::

- (i) The applicant shall be released on bail on furnishing P.R. Bond of 15,000/- (Rupees Fifteen Thousand) with one or two sureties in the like amount;

(ii) The Applicant shall attend the Kapurbawadi Police Station on every Saturday, between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet or for a period of one month, if charge-sheet has already been filed;

(iii) On his release, the applicant shall furnish his address where he intends to reside and his Mobile Number, and if there is any change, the same shall be informed to the officer of the Kapurbawadi Police Station;

(iv) The Applicant shall not tamper or attempt to influence the complainant or any person concerned with the case;

4 The Application is allowed and disposed of in the above terms.

5 Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)