

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1316 OF 2015

Shobhnath Laltaprasad Pandey .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.V.G.Mehta, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this Application, the Applicant
seeks pre-arrest bail, in connection with C.R.
No. 259 of 2015, registered with the Kasturba
Marg Police Station, Mumbai, for the alleged
offences punishable under Sections 188, 273, 328
of the Indian Penal Code and under Sections
26(2)(i), 26(2)(4), 27(3)(d), 27(3)(e), 3(22)

(1), 30(2)(a) and 59(2) of Food Safety Act, 2000.

3. Learned Counsel for the Applicant states that although the applicant was the owner of the Pan Shop, he had rented the said premises to accused nos.1 and 2. Admittedly, at the time of the raid, the applicant was not present and accused nos.1 and 2 were arrested from the spot and banned substances came to be seized at their instance. He submitted that accused nos.1 and 2 were arrested and have been subsequently enlarged on bail.

4. Learned counsel for the applicant further submits that prima facie, it is doubtful whether section 328 of the Indian Penal Code is attracted. He submits that rest of the sections are bailable sections. Learned counsel for the applicant further submits that the applicant has

no antecedents.

5. Learned APP submits that though the applicant was not present at the spot at the relevant time, the applicant is the owner of the premises.

6. Considering the nature of allegations as against the applicant and the fact that the applicant was not present at the time of the alleged raid, the applicant is granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail on furnishing P.R.Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;

(ii) The Applicant shall attend the Kasturba Marg Police Station, Mumbai on the 14th & 15th

September, 2015 between 10.00 a.m. to 01.00 p.m.
& thereafter, as and when called for by the
Investigating Officer;

(iii) The Applicant shall not tamper or
attempt to influence the complainant or any
persons concerned with the case.

7. The Application is allowed in the
aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations
made herein are confined to this application and
the learned Judge to decide the case on its own
merits, uninfluenced by the observations made
herein.

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.