

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2106 OF 2015**

Sandip Dilip Shirode

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tushar Narayan Sonawane for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 23RD OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 260 of 2015 registered with the Pandharpur Taluka Police Station, Solapur, for the alleged offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and under Sections 26(2)(i), 3(i)(zz)(v), 26(2)(iv), 27(3)(d) and 27(3)(e) of the Food Safety and Standard Act.

3. The complainant is one Vitthal Londhe. It appears from the complaint, that a truck carrying banned articles/substances, was apprehended by the complainant at Anavli Bypass, near Pandharpur. Pursuant to the same, gutkha items came to be seized i.e. 52 bags of Vimal Panmasala worth Rs. 12,48,000/- and 31 bags of chewing tobacco worth Rs. 3,72,000/-. According to the complainant i.e. Food Safety Officer, the present applicant is the driver of the said vehicle and that, he was arrested on the spot and is presently in custody.

4. Learned Counsel for the applicant submits that the contraband material has been seized and as such custody of the applicant is not required. He submits that even the applicability of Section 328 of the IPC, in the facts of the present case, is doubtful. He submits that the applicant has been in custody since 12th September, 2015.

5. Learned A.P.P states that from a perusal of the FIR, it appears that the applicant is the driver of the offending vehicle. She states that there are no antecedents qua the present applicant.

6. Considering the nature of allegations, the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. for a period of six months from the date of the order and thereafter, as and when called;
- (iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

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 *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.