

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2117 OF 2015**

Rajendra @ Raju Baban Deshmukh

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Tushar N. Sonawane for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 29TH 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/-.

4. Learned Counsel for the applicant states that the applicant is alleged to have sold the banned contraband to accused No. 9 i.e. Sadashiv @ Appa Mahadeo Wadekar, under the directions of accused Nos. 4 to 6. Learned Counsel for the applicant submits that according to the prosecution, the said contraband was taken from accused Nos. 4 to 6. He submits that the applicant has been in custody since his arrest i.e. 17th September, 2015. He states that nothing has been recovered from the present applicant. He submits that even the applicability of Section 328 of the IPC, in the facts of the present case, is doubtful.

5. Perused the papers. The applicant has been in custody since

the date of his arrest. Considering the role of the applicant, 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 his release;
- (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.
6. The Application is allowed in the aforesaid terms and is accordingly disposed of.
7. 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.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.