

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1495 OF 2014

Dineshkumar Padamchand Goyal ...Applicant
vs.
State of Maharashtra ...Respondent

Ms. Rishita Jain i/b. Law Global Advocates,
Advocate for the Applicant.
Mr. Rajesh More, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 23, 2015

P.C.

. Heard.

2. For the reasons recorded in the order dated 10-12-2014 my predecessor has granted an ad-interim direction in terms of Section 438 of Code of Criminal Procedure. In pursuant to the notice of the application served, the prosecution has filed say.

3. The perusal of the say does not reveal any cogent reason for not confirming the ad-interim direction given. It appears accordingly as the papers of investigation reveals that applicant has cooperated with the investigation agency for revealing the source from which he has purchased the medicines which are said to be spurious.

4. The learned APP opposed the application by submitting that there is a big racket and the applicant is involved in it.

5. Hardly any concrete material seen in the papers of investigation other than the applicant having sold the goods to J.B. Pharma which he is said to have been purchased from one Ravi Agarwal. The papers of investigation reveals that though the applicant was directed to attend the investigating agency way back on 20th, 21st and 22nd December, 2014 and he attended, his statement is recorded only on

22nd January, 2015. Having regard to it and having regard to the papers of investigation not revealing that either he was responsible for manufacturing of the said drug or had not purchased it from Ravi Agarwal, it is difficult to negative the prayer for pre arrest bail.

6. Resultantly the application is allowed. The ad-interim direction given by my predecessor is hereby confirmed on earlier terms and conditions with the direction that now the applicant shall attend the investigating officer on every alternate Monday in between 11.00 am to 1.00 pm and so also on any other day on which he would be summoned by the investigating officer by sending SMS on his mobile number which has to be furnished by the applicant to investigating officer through his advocate.

7. However, considering the offence pertains to for selling of fake/adulterated drug, the

investigating officer is directed to speed up the investigation.

8. Liberty to the prosecution to apply for cancellation of bail in event of receipt of any tangible material revealing or denoting *prima facie* involvement of the applicant in any racket as tried to be canvassed by the learned APP.

Application stands disposed of.

(P.D. KODE, J.)