

Anand

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

ANTICIPATORY BAIL APPLICATION No.321 OF 2016

Santosh Gulabrao Pol .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.P.S.Gole, Advocate, for the Applicant
Mr.A.Sait, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.03.2016

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.
285 of 2015 registered with the Wai Police
Station, District – Satara, for the alleged
offence punishable under Section 384 r/w.34 of
the Indian Penal Code.

3. The Complainant is Suryakant Laxman Kanse. According to the Complainant, the Applicant demanded a sum of Rs.1,00,000/- from him, for escaping an enquiry initiated by the Food And Drugs Authority (For short "FDA").

4. Learned counsel for the Applicant submitted that the co-accused Vishwas Sonawane had made a complaint on 11.12.2015 to the FDA, regarding spurious medicines being sold by the Complainant. He submitted that pursuant to the said complaint, the FDA issued a Show Cause Notice dated 17.12.2015 to the Complainant. According to him, in the Show Cause Notice, the FDA had enlisted the illegal activities of the Complainant i.e. the drugs were sold without prescription, that bills were not being issued etc.. He submitted that pursuant to the said Show Cause Notice, the Complainant started calling the Applicant, stating that he would give money to the Applicant to escape from the

proceedings initiated by the FDA. He submitted that the Applicant had sent a letter dated 17.12.2015 to the Police Inspector, Wai Police Station, Satara, complaining to them that he was receiving calls from different phones, stating that some amounts were paid to him, and that the said persons were harassing him. The said letter is on page No.36 of the Application. He submitted that the Applicant has been falsely implicated in the case.

5. Learned APP opposes the Bail Application. He submitted that the FIR shows that an amount of Rs.20,000/- was paid to Jyoti Mandre. He does not dispute the fact, that a Show Cause Notice was issued to the Complainant, setting out the irregularities committed by him.

6. Perused the papers. It appears that a complaint was made by the Applicant on 17.12.2015 to the Police Inspector, Wai Police

Station, Satara, with regard to calls which were received by him, from various numbers stating that he has received certain amounts. He has stated that he had not received any money and somebody was mischievously and maliciously making phone calls on his number. The FIR has been lodged on 23.12.2015 by the Complainant as against the Applicant and others alleging the offences set out in para 2 of the Order. It is not disputed that the Complainant had received a Show Cause Notice dated 17.12.2015 from the FDA, setting out the irregularities, allegedly committed by him.

7. Considering the aforesaid, the Application is allowed and the Applicant is granted anticipatory bail on the following terms and conditions.

ORDER

(i) In the event of arrest, the applicant be enlarged on bail, on executing PR Bond in the

sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Wai Police Station, Satara on **every Saturday** between **10.00 a.m. and 11.00 a.m.** till the filing of the charge-sheet.

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

9. 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)