

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1477 OF 2017

Rajesh Vijay Mishra .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Shailesh Kumar, Advocate, for the Applicant
Ms J.S.Lohakare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.09.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.I-346 of 2017 registered with the Narpoli Police Station, for the alleged offences punishable under Sections 353, 284, 420 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicant states that on information, the Officers of the Narpoli Police Station seized Paanmasala, flavoured supari as well as gutka and tobacco, which was stored in the godown of the applicant. He submitted that the applicant

was present with the Narpoli Police through out the day i.e. on 11th August, 2017, however, was not arrested. He submitted that the FDA Authorities have seized the property and as such the custody of the applicant is not warranted. He submits that admittedly, the applicant is not the person who threatened the police or the person who pushed the police and created an obstruction in the discharge of their duty.

4. Learned APP submits that the Applicant has attended the police station as directed.

5. Perused the papers. Admittedly, the Applicant was not present when Narpoli police raided the godown. It is not in dispute that the FDA authorities have seized the property. The Applicant is also not alleged to be the person who threatened the police or the person who obstructed the police in the discharge of their duty.

6. Considering the aforesaid, custodial interrogation of the Applicant is not required. Accordingly, the Application is allowed and 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 executing PR Bond in the sum of **Rs.15,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for**, till the filing of the charge-sheet.

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 are confined to this Application.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)