

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

ANTICIPATORY BAIL APPLICATION NO.1167 OF 2019

Suresh Mulchand Agrawal

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Prashant Pandey i/b. Pradeep D. Singh, Advocate for Applicant.
- Mr.Deepak Thakare, PP, a/w Ms.Sharmila Kaushik, APP for the State/Respondent.
- API Mr.A.G. More, Chandan Nagar Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.186/19 registered with Chandan Nagar Police Station, Pune, under sections 188, 272, 279 and 328 of the Indian Penal Code.
2. The FIR is lodged on 30/04/2019 by the Food Safety

Officer, Ms. Shubhangi Balkrushna Ankush. According to her, API Chandan Nagar Police Station informed the Food Inspectors on 24/03/2019 itself that a worker of a political party drove a car belonging to the present Applicant to Kharadi Police Chowky. However, the letter was given on 30/04/2019 and goods in the car were seized on 30/04/2019. The goods contained a large quantity of Pan Masala, Tobacco, Gutkha etc. which were banned substances under the orders passed by the Commissioner appointed under the Food Safety and Standards Act, 2006. The car and the goods were seized on 30/04/2019.

3. Heard learned Counsel Mr. Prashant Pandey for the Applicant and learned PP for the State.
4. The case as reflected in this case is very strange and shocking. According to the prosecution, the car was taken charge of on 24/03/2019 and was kept in the police station for more than a month without any Panchanama or any protection of the goods kept in the car. The FIR was lodged on 30/04/2019

after about a month. It is very difficult to understand why the police had shown such gross negligence in investigating the offence. It is very difficult to connect the seized goods with the present Applicant, if the goods were seized after one month of keeping vehicle in the police station. Though vehicle belongs to the Applicant, he cannot be directly connected with the banned goods which were seized. The entire investigation is very suspicious. However, it is still difficult to connect those goods with the present Applicant. In these circumstances, therefore, the Applicant deserves protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.186/19 registered with Chandan Nagar Police Station, Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) The applicant shall attend Chandan Nagar Police Station between 03.00 p.m. to 05.00 p.m. on every Sunday till filing of the charge-sheet.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)