

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1175 OF 2019

1. Balaji Madhukar Gite .Applicants
2. Pintu Dhondiram Nagargoje

Vs.

The State of Maharashtra .Respondent

Mr. S. V. Marwadi i/b. Mr. N. M. Nadar, Advocate, for the Applicants

Mrs. P. P. Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 60 of 2019 registered with the Kasa Police Station, Palghar, for the alleged offences punishable under Sections 328, 420, 188, 272, 273 r/w 34 of the Indian Penal Code and under Section 59 of the Maharashtra Food Safety and Standards Act, 2006.

3. Perused the papers. Although learned counsel for the Applicants submitted that the Applicant No. 1 – Balaji was a personal driver of Shri Om Gupte, owner of the truck, the statement of the Applicant No. 1's father shows that the Applicant No. 1 on completion of MCA was working as an Engineer. According to the prosecution, on 27.03.2019, three trucks carrying Gutkha were intercepted by the police and in the search, gunny bags containing Gutkha and Pan Masala worth Rs. 1,77,27,000/- was found. It appears that the Applicant No. 2 was accompanying Applicant No. 1 on the personal car of Shri Gupte, the truck owner. The CDR record shows that several calls were made by Applicant No. 1 – Balaji to the supplier of Gutkha i. e. about 63 calls to Shri Gupte, the truck owner, apart from several calls to the truck drivers. As far as the Applicant No. 2 is concerned, he made 80 calls to the supplier of Gutkha and about 18 calls to Shri Gupte, apart from several calls to the individual truck owners.

4. Considering the aforesaid, custodial interrogation of

the Applicants is necessary. Hence, the Application stands rejected.

5. It is made clear that the observations made herein are prima facie for deciding this Application.

(REVATI MOHITE DERE, J.)