

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1851 OF 2019**

Akil Bandu Shaikh

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vishal A. Patil for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

ASI Mr. C. M. Gaikwad from Kasa Police Station, Palghar, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th SEPTEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 132 of 2019 registered with the Kasa Police Station, Palghar, for the alleged offences punishable under Sections 328, 272, 273, 188, 34 of the Indian Penal Code and under Sections 26(2), 27, 23, 26(2)(4), 30(2)(a) of the Food Safety and Standards Act and Rules.

3 Learned counsel for the applicant submits that according to the prosecution, the applicant supplied prohibited food articles, namely, *Pan Masala*, *Gutkha* to the accused No.1, who was arrested by Kasa Police

Station on 31st July 2019, when the police raided the shop of accused No. 1 and found the said articles in his shop. Learned counsel for the applicant submits that no offence under Section 328 of the Indian Penal Code is disclosed *qua* the applicant.

4 Perused the papers. *Prima facie*, it is doubtful whether an offence under Section 328 is disclosed. The applicant has reported to the Investigating Officer as directed by this Court vide order dated 23rd August 2019. Considering the aforesaid, custodial interrogation of the applicant is not warranted.

5 Accordingly, the interim order dated 23rd August 2019 stands confirmed on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

6 The application is allowed in the aforesaid terms and is accordingly disposed of.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.