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

***ANTICIPATORY BAIL APPLICATION NO.2059 OF 2019***

Prashant Dhanpal Gandhi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.S.R.Phanse, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

Police Havildar – D.K.Sonnis, Baramati Taluka Police Station, Pune, is present.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 24<sup>th</sup> SEPTEMBER, 2019***

**P.C. :**

1. In view of the 'Not Before' order passed by Hon'ble Shri Justice Sarang V. Kotwal, the aforesaid application is placed before this Court.
2. Heard learned counsel for the parties.
3. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.631 of 2019 registered with the Baramati Taluka Police Station, for the alleged offences punishable under Sections 328, 272, 273 of the Indian Penal Code and under Sections 26(2)(i), 30(2)

(a) and 26 r/w 59 of the Food Safety and Standards (Prohibition and Restrictions (On Sales) Regulation, 2006.

4. Perused the papers. Pursuant to the information received by Police Sub Inspector of Baramati Taluka Police Station, a raid was conducted on 2<sup>nd</sup> August, 2019 and 2 vehicles were intercepted. In the said raid, contraband material like pan-masala and tobacco were found in the said vehicle. The applicant is stated to be one of the persons, who was present in the said vehicle, however, when the raid was conducted, he fled from the spot. 2 other co-accused i.e. drivers were arrested and have been subsequently enlarged on bail.

5. Learned Counsel for the applicant submits that taking the prosecution case as it stands, no offence under Section 328 of the Indian Penal Code is disclosed *qua* the applicant.

6. Having perused the FIR, *prima facie*, it is doubtful whether an offence under Section 328 of the Indian Penal Code, is disclosed, *qua* the applicant. The articles have been seized from the vehicle. The applicant has no antecedents.

7. Having regard to what is stated aforesaid, the application is allowed and the applicant is granted pre-arrest bail 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 report to the Investigating Officer of the concerned Police Station on 30<sup>th</sup> September, 2019 and 1<sup>st</sup> October, 2019, between 10.00 a.m. to 1.00 p.m. and thereafter as and when called, till the filing of the charge-sheet;

(iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

(iv) The applicant shall co-operate with the Investigating Agency.

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 are confined to this application.
10. All concerned to act on the authenticated copy of this order.

***REVATI MOHITE DERE, J.***