

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2572 OF 2018

Santosh Shrinath Pandey ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Sunny Waskar for Applicant.

Ms.J.S. Lohokare, A.P.P. for Respondent-State.

Mr.Vijay Takke, PSI, Navghar Police Station, Bhayander, District Thane.

CORAM : A.S. GADKARI, J.

DATE : 8th April 2019.

P.C. :

1] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

2] By an reasoned order dated 21st December 2018 the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

The record indicates that the applicant has complied with the said condition of attendance and has co-operated in the process of investigation.

3] The record of investigation further indicates that the applicant is a bonafide purchaser from the wholesaler and has purchased the goods i.e. medicines involved in the present crime from Medicaide Drug House, Indore and Charu Pharmacy, Kolkata. The only allegation against the applicant which remains in field is that he removed the sticker "Rajasthan Government supply not for sale" and tried to sale those medicines in the State of Maharashtra. The facts of the present case indicates that the goods were lawfully procured by the applicant from the afore-stated dealers and which are genuine medicines. There is no allegation of adulteration, tampering with its originality and/or attempt to sale those medicines at higher rate.

4] Taking into consideration the peculiar facts of the present case, the applicant can be protected by pre-arrest bail. Interim relief granted by Order dated 21st December 2018 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

5] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]