

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.417/2019

Bhushan s/o Deoraoji Chikte and anr

..VS..

The State of Mah., thr. Police Station Officer, Police Station-Khapa, District
Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri A.A.Dhawas, Counsel for Applicants.
Shri S.S.Doifode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 27, 2019.

1. Heard learned counsel Shri A.A.Dhawas for applicants and learned Additional Public Prosecutor Shri S.S.Doifode for the State. Also, perused reply filed on behalf of the State.
2. In the present case, present applicants are seeking pre-arrest bail since they are apprehending their arrest in connection with Crime No.134/2019 registered with Khapa Police Station, District Nagpur for offences under Section 59 of the Food Safety Standards Act, 2006 and under Sections 272, 273, and 328 of the Indian Penal Code.
3. According to the prosecution, contraband (Vimal Pan Masala) was seized from Mahendra Bolero pick-up van which was driven by applicant No.2-Yogesh and co-

owner of the said Pan Masala is applicant No.1-Bhushan.

4. On 1.7.2019, present applicants were released on *ad interim* anticipatory bail on condition that they shall cooperate with Investigating Officer and shall be available to Investigating Officer as and when they are required.

5. Even, according to the prosecution, the contraband is already seized and present applicants attended the police station and joined investigation.

6. During the course of hearing, learned counsel Shri A.A.Dhawas for applicants, volunteered that applicant No.1-Bhushan s/o Deoraoji Chikte will deposit Rs.60,000/- in the Court of learned Magistrate, Saoner within a period of two weeks from today.

7. In this view of the matter, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Order passed by this Court on 1.7.2019 is made absolute.

(iii) Applicant No.1-Bhushan s/o Deoraoji Chikte, shall deposit Rs.60,000/- in the Court of learned Magistrate, Saoner within a period of two weeks from today.

(iv) The amount so deposited by applicant No.1-Bhushan s/o Deoraoji Chikte, shall be treated as Muddemal of Crime

.....3/-

No.134/2019.

(v) Learned Magistrate, Saoner, shall invest the said amount with any Nationalized Bank initially for a period of 3 years and shall renew the said as and when occasion therefor arises.

(vi) None of applicants shall be entitled to file application for withdrawal of the said amount.

(vii) Competent Court, after Trial is over, shall pass appropriate orders for disposal of the Muddemal property.

(viii) Applicant No.1-Bhushan s/o Deoraoji Chikte, is directed to produce receipt before Investigating Officer showing depositing of Rs.60,000/- in the Court of learned Magistrate, Saoner, on or before 17.9.2019.

(ix) Applicants are also directed to attend the police station as and when they are called by Investigating Officer, however for that Investigating Officer shall give them a 3 days' clear cut written communication.

(x) If receipt is not produce before Investigating Officer on or before the date specified in this order, it shall be open for Investigating Officer to file an application for cancellation of the anticipatory bail granted to applicant No.1-Bhushan s/o

Deoraoji Chikte.

(xi) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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