

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1907 OF 2021

Raju Swami @ Rajshekhar
Basavraj Javalgi

..

Applicant

Vs.

The State of Maharashtra

..

Respondent

...

Mr. Tushar N. Sonawane for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

Mr. Mahavir Jadhav, API attached to Nhava Seva Police Station,
Navi Mumbai, is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH AUGUST, 2021.

P.C:-

1. The Applicant is being indicted in C.R. No.I-95 of 2021 registered with Nhava Sheva Police Station, thereby invoking the provisions of Food Safety & Security Act and Sections 188, 272, 273, 328 read with Section 34 of the IPC for being in possession of the substance, which has been prohibited by the Notification issued by the Commissioner of Food Safety, for a period of one year.

AJN

2. The indictment of the Applicant is at the instance of Accused No.1 Akash Chaurasia, who had hired Room Nos.4 and 5, where the raid was conducted. Akash Chaurasia came to be released on bail by the Sessions Court by recording that the investigation is complete and goods worth Rs.9,73,356/- have been recovered and nothing more needs to be investigated.

3. As far as the present Applicant is concerned, he has no antecedents to his credit is the submission of the learned counsel for the Applicant. His involvement in the Food Safety Act is on the basis of the statement of co-accused. The effect of the statement of a co-accused and its evidentiary value is a matter of trial.

4. Considering that the co-accused, who was found in possession of the said prohibited substance has already been released on bail and it is reported that the Applicant has attended the police station when he was granted protection by the learned Session Court and co-operated with the investigation and this statement has not been disputed by learned A.P.P., the Applicant needs to be protected with stipulation of certain conditions. Hence the following order:

: ORDER :

- (a) In the event of arrest, the Applicant – Raju Swami @ Rajshekhar Basavraj Javalgi, shall be

released on bail in C.R. No.I-95 of 2021 registered with Nhava Sheva Police Station, Navi Mumbai, District Raigad, on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.

(b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

(c) The Applicant shall report to the Nhava Sheva Police Station, Navi Mumbai Dist. Raigad, on every Monday and Thursday between 10.00 a.m. and 02.00 p.m. for two weeks and, thereafter, as and when called by the Investigating Officer.

5. The Application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]