

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

Anticipatory Bail Application No. 2383 of 2021

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Mr. Shivaji Bapurao Dhonde ... Applicant

v/s.

The State of Maharashtra ... Respondent

Ms. Suvarna Vast h/f. Sunil Gaikwad i/b. Prakash J. Salsingkar for the applicant.

Mrs. J.S. Lohokare, APP for the State.

CORAM : NITIN W. SAMBRE, J.

11th October 2021

P.C.

The applicant is seeking pre-arrest bail in Crime No. 538 of 2021, registered with Kurla Police Station for the offences punishable under Sections 420 and 272 of the Indian Penal Code and Sections 51,52 and 53 of the Food Safety & Standards Act, 2006.

2. The applicant had packed RBD Palmolein Oil in the packets for sale titled as Refined Sunflower Oil (Sunrish). As such it is claimed

that the applicant by misrepresenting the consumers was willing to pass on Palmolein Oil as Sunflower Oil. The learned counsel for the applicant submits that the offences under Sections 51,52 and 53 of the Food Safety and Standards Act, 2006 is punishable with fine. According to her the entire stock is seized and that being so the custodial interrogation of the applicant is not required as the applicant was not selling the oil but only packing which is not an offence.

3. The learned APP while opposing the bail urged that since the Analysis Report speaks of packing of RBD Palmolein Oil as refined Sunflower Oil, the necessary ingredients are made out and as such offence is registered. It is claimed that custodial interrogation of the applicant is very much warranted.

4. Considered submissions. The samples seized from the applicant of the concerned oil by the State Government were analysed and the sample of RBD Palmolein Oil confirm to the standards laid down under Regulation 2.2.1.20 of Food Safety Standards(Food Products and Food Additives) Regulations 2011.

5. As such the only allegation which remains to be looked into against the applicant is in relation to selling Palmolein Oil as refined Sunflower Oil.

6. No instance of sale effected by the applicant is brought on record. The entire stock from the applicant is already seized/attached.

7. That being so, in my opinion, the applicant holds an appropriate license from the Municipal Corporation for storing the edible oil. Similar license is also issued by the State Government.

8. In the aforesaid background, in my opinion, the applicant's custodial interrogation cannot be justified.

9. In the wake of above, a case for grant of protection is made out. Hence, following order :

i) In the event of arrest, in Crime No.538 of 2021 registered with Kurla Police Station, for the offences punishable under Sections 420 and 272 of the Indian Penal Code and Sections 51,52 and 53 of Food Safety & Standards Act, 2006, the applicant be released on bail, on executing PR bond of Rs.15,000/-, with one or two sureties in the like amount;

ii) The applicant shall report to the Investigating Officer on 14th, 21st, 26th and 29th October 2021 and thereafter as and when directed;

iii) The applicant shall not influence the prosecution witness or tamper with the evidence.

10. The application stands disposed of in above terms.

(NITIN W.SAMBRE, J)

Lata Panjwani, P.S.