

Jamir Harun Patel	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Aashish Satpute i/b Amit Icham, for the Applicant.
Smt. Anamika Malhotra, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.
DATE : 26th October, 2021.

The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 185 of 2021 registered with Gandhinagar Police Station, District-Kolhapur for the offences punishable under Section 188, 272, 273, 328 of the Indian Penal Code.

2 It is the case of prosecution that on receipt of secret information on 26th September, 2021, the police personnel of Gandhinagar Police Station, Kolhapur, carried out raid on Tempo vehicle bearing registration No. MH-50-N-1709 at about 11.35 a.m. and found Pan Masala, Tobacco

pouches of different companies worth Rs.33,44,168/- including the price of Tempo vehicle. All the muddemal came to be seized under seizure panchanama and the FIR came to the lodged.

3 Mr. Satpute, learned Counsel for the applicant, submits that as far as applicant is concerned, he is behind the bar since his arrest. The interrogation of the applicant is over and there is nothing further left to be investigated. Moreover, the applicant was a driver and had nothing to do with the alleged seized articles from the Tempo. There are no criminal antecedents and, therefore, the applicant be admitted on bail, argued learned Counsel.

4 Smt. Malhotra, learned APP, on the other hand, would submit that the offence is of serious nature. All the investigation is nearing completion and charge-sheet is yet to be filed. The application, therefore, should not be considered.

5 I have gone through the papers. There is no dispute from the side of prosecution that the applicant is not the owner of the muddemal allegedly seized from the Tempo bearing registration No. MH-50-N-1709. The accused is in custody since the time of his arrest. There are

no criminal antecedents. No useful purpose will be served by keeping the applicant behind the bar. In view of above, I am inclined to allow the application. Hence, the following order.

ORDER

(i) Applicant- Jamir Harun Patel shall be released on bail in C.R. No. 185 of 2021 registered with Gandhinagar Police Station, District-Kolhapur, on his executing P .R. bond in the sum of Rs.20,000/- with one or two sureties in like amount.

(ii) 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.

(iii) The applicant shall attend the concerned Police Station on every Monday of 1st, 2nd and 3rd weeks of each month in between 11-00 a.m. and 1-00 p.m. till the filing of charge-sheet.

(iv) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(v) The application is allowed in the aforesaid terms.

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL
Date: 2021.10.26
18:01:04 +0530

Rekha Patil

(V. G. BISHT, J.)