

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

CRIMINAL APPLICATION (BA) 685 OF 2021

(Shekh Salim Shekh Abbu..vs.. State, thr PSO, PS City Kotwali, Akola, Dist. Akola)

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

Court's or Judge's orders.

Mr. S.A. Mohta, counsel for applicant.
Mr. N.S. Rao, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:28.07.2021.

*Hearing was conducted through video conferencing
and the learned counsel agreed that the audio and
visual quality was proper.*

Heard.

2. The applicant is implicated in Crime 401/2021, registered with Police Station, City Kotwali, Akola, for offences punishable under sections 188, 272, 273, 328 of Indian Penal Code, sections 30(2)(a), 26(2)(iv) and 59 of Food Safety & Standards Act, 2006.

3. Even according to the prosecution, while the Food Safety Officer Mr. Wakode was visiting the market area, he saw the accused lifting some bags, and on search Gutkha (chewing tobacco made from crushed areca nut, tobacco, catechu, parafin wax, slaked lime etc.) and Pan

Masala (combination of betel leaf and areca nut with or without tobacco) worth Rs. 63,000/- was found in the bags.

4. Even according to the prosecution case, as is disclosed in the complaint, the present applicant immediately disclosed that he was only an employee of the co-accused and was removing the goods from the godown on the instructions of the co-accused Yuvraj Agrawal.

5. The co-accused Yuvraj Agrawal is absconding.

6. It is true that the investigation is ongoing. However, considering the nature of the accusations and the fact that during the investigation which may have been undertaken since 24.6.2021, there is nothing to show that the applicant was the owner or otherwise in control of the alleged contraband, he is entitled to bail.

7. The applicant be released on bail in connection with Crime 401/2021, registered with Police Station, City Kotwali, Akola, for offences punishable under sections 188, 272, 273, 328 of Indian Penal Code, sections 30(2)(a),

26(2)(iv) and 59 of Food Safety & Standard Act, 2006, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

8. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

9. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede