

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 ANTICIPATORY BAIL APPLICATION NO.712 OF 2022

**DHIRAJ RAMESH KOTHAVADE @ BALU WANI
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Avinash R. Borulkar, Advocate for applicant;
Mr. V. M. Kagne, A.P.P. for respondent/State

CORAM : S. G. MEHARE, J.

DATE : 20th July, 2022

PC.

1. By the present application under Section 438 of the Code of Criminal Procedure, the applicant seeks his release on bail in C.R.No.116 of 2022, registered with Mohadi Police Station, District Dhule, for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Sections 30(2)(a), 26(2)(i), 27(2)(e), 26(2)(iv) and 59 of the Food Safety and Standards Act, 2006.

2. Heard the learned counsel for the applicant and the learned APP for the respondent/State.

3. The learned counsel for the applicant has vehemently argued that the applicant had been falsely implicated by the co-accused Shubham Pawar. As per the instructions of the applicant, Shubham Pawar was about to sell the alleged Gutka. The applicant has no

(2)

concern with Shubham. He has falsely named the applicant. Therefore, the applicant may be released on anticipatory bail.

4. Per contra, the learned APP would submit that there are two antecedents to the discredit of the applicant of the similar offence. The co-accused Shubham has immediately after apprehension disclosed that the applicant had supplied the contraband/Gutka to him. The applicant is the stockist of Gutka. The police wanted to know where from the present applicant purchased the prohibited Gutka. Therefore, custodial interrogation is essential.

5. Perused the application and the papers. There appears substance in the arguments of the learned APP. The applicant is seen repeatedly involved in the similar offence. This is the third offence registered against him for sale and stocking the prohibited Gutka. In view the facts, this Court is of the view that the custodial interrogation of the applicant is essential. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

amj