

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1268 OF 2022

Nikhil Sunil Sathe

...Applicant

Versus

The State Of Maharashtra & Another

...Respondents

Mr. P.N. Sadanshive, Advocate for the applicant.

Mr. N.T. Bhagat, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st DECEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 1064/2021 registered with Tofkhana Police Station, Ahmednagar, for the offences punishable under section 188, 272, 273 and 328 of the Indian Penal Code.

2. First Information Report is lodged by one Sharad Pawar- Food Security Officer alleging that on secret information they raided the vehicle which was found standing in suspicious circumstances. When they reached near the vehicle person present there ran away from the spot by taking advantage of darkness. The vehicle was TATA EX wherein huge quantity of Goa

brand gutkha was found stored in white bags. On search of vehicle RC, insurance policy etc., were found and the owner was one Balu Sathe. When inquiry was made with Balu Sathe, initially he did not give any information. Accordingly, crime was registered on the basis of First Information Report.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. During the course of investigation it is revealed that vehicle involved in the crime was sold to the present applicant and applicant was the owner of contraband articles seized with the vehicle. A delivery note which bears signature of the applicant, showing vehicle involved in the crime was delivered to the applicant on 29.07.2021, is seized during the investigation. Though, the said vehicle is not registered in the name of the applicant, prima facie this delivery note and the statement of earlier owner of said vehicle are sufficient to show that the vehicle was sold to the applicant and at the time of incident, the applicant was owner of vehicle and contraband articles belonged to the applicant.

5. It further appears from the papers of investigation that applicant's brother namely Nitin is involved in similar offence in Crime No. 120/2022 registered on 16.02.2022. It therefore prima facie appears that the applicant is involved in selling prohibited gutkha illegally. Huge quantity of prohibited gutkha was seized from the vehicle owned by the applicant. In this view of the matter, custody of the applicant is necessary for the purpose of effective investigation. The applicant therefore does not deserve discretionary relief. The application is therefore rejected.

6. At this stage, the learned advocate for the applicant prays for extension of interim protection granted to the applicant. The interim protection granted to the applicant is extended for a period of two weeks from today.

[NITIN B. SURYAWANSHI, J.]