

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.586 OF 2022

Manoj Sitaldas Santani] ... Applicant

Vs.

State of Maharashtra] ... Respondent

...

Mr. Prashant Mohite @ Sameer Mangaonkar for the applicant.

Ms. A.A. Takalkar, A.P.P. for the State.

Mr. M.G. Ughade, PSI attached to Ulhasnagar Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 04TH MARCH, 2022.

P.C. :-

1. C.R. No.I-13 came to be registered with the Ulhasnagar Police Station, pursuant to a raid being conducted in Jay Ambika Pan Shop, Nehru Nagar, Ulhasnagar. The shop was being run by accused Kamlesh R. Yadav and certain prohibited substances in the form of pan masala, gutka and other contraband items worth Rs.3,649/-, came to be seized. The C.R. invokes Sections 328, 272, 273, 188 and 269 of the IPC along with the relevant sections

of the Food Safety and Standard Act and also Section 51(B) of the Disaster Management Act.

2. The owner of the shop came to be arrested and released on bail by the Sessions Court on 27/01/2022 by recording that all the alleged articles were recovered and the investigation is over and there was no need for further investigation.

3. As far as the present applicant is concerned, he is the owner of the said premises, where the co-accused Kamlesh Yadav was running the pan shop after entering into an Agreement of Leave & Licence with him and the agreement was for a period commencing from 20/04/2021 to 20/03/2022 i.e. for 11 months. The offence took place during the subsistence of the agreement and the conditions of Leave and Licence Agreement stipulate that the licensee, who was in need of the premises has requested the shop to be granted on a temporary license basis for 11 months and since then, he was running the shop.

4. In the wake of the above, since the shop is being run by Kamlesh Yadav, who is released on bail and even the alleged prohibited substance has been seized, the custodial interrogation of the applicant is not warranted, though learned A.P.P. submits, that the present applicant has another offence registered against him under Section 328 of the IPC. Hence, the following order:

ORDER

- (a) In the event of arrest, the applicant – **Manoj Sitaldas Santani** shall be released on bail in C.R. No.I-13 of 2022 registered with Ulhasnagar Police Station, Thane on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) 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.
- (c) The applicant shall report to the Ulhasnagar Police Station, Thane as and when called for by the investigating officer, and co-operate with the investigation.
5. The application is allowed in the aforesaid terms.
6. All parties are directed to act on the downloaded copy of the order supplied by the advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]

