

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1808 OF 2021

Rakesh Kakasaheb Suryawanshi ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Rakesh Patil, for the Applicant.
Mr. A. A. Palkar, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED : 21st JUNE, 2022

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.211 of 2021, registered with Tasgaon Police Station for the offences punishable under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860 ("the Penal Code") and Section 59 of the Food Safty and Standards Act, 2006.
3. The applicant is the registered owner of the vehicle bearing registration No. MH-10/CR-3575 in which the contraband articles were allegedly being transported, when the police party intercepted the same and seized the contraband tobacco products.

4. By an order dated 12th August, 2021, this Court was persuaded to grant interim protection to the applicant. The learned Counsel for the applicant invited the attention of the Court to a Vehicle Rental Agreement dated 31st March, 2021 executed between the applicant and Vishal Vibhute, the co-accused, who was arrested and released on bail by the learned Additional Sessions Judge, Sangli, by an order dated 26th April, 2021, to bolster up the case that the applicant had no concern with the alleged transportation of the contraband articles.

5. I have perused the allegations in the FIR and the material on record.

6. The entire consignment of the contraband articles appears to have been seized. The role attributed to the applicant is that of being the owner of the vehicle in which the contraband articles were being allegedly transported. The applicant has placed on record, *prima facie*, material to indicate that the vehicle was not in his control at the relevant point of time. In the aforesaid view of the matter, a *prima facie* case for exercise of the discretion is made out. In any event, custodial interrogation of the applicant is not warranted.

7. Hence, the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) In the event of arrest of the applicant in CR No.211 of 2021, registered with Tasgaon Police Station, he be released on bail on executing a PR Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (v) The applicant shall not indulge in the activity like the one for which he has been arraigned in this case.

[N. J. JAMADAR, J.]