

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 2622 OF 2021

Sampat Bhagwan Nanaware ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Vikas B. Shivarkar, for the Applicant.

Mr. R. M. Pethe, APP for the Respondent / State.

MAMTA
AMAR
KALE

Digitally signed
by MAMTA
AMAR KALE
Date:
2022.02.09
18:07:24 +0530

**CORAM : C.V. BHADANG, J.
DATE : 9 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

. The Applicant (Accused No.2), apprehending arrest, in connection with investigation of Crime No.557/2021 of Police Station Baramati, Pune Rural, under Section 328, 272, 273 and 420 r/w. 34 of IPC and Section 3(1)(a), 3(1)(zz)(v), 3(1)(zz)(iii), 26(1), 26(2)(i), 27(1), 27(2)(c) of the Food Safety and Standards Act, 2006, is seeking anticipatory bail.

2. I have heard the learned counsel for the parties. Perused record.

3. The allegation as per FIR is that there was adulteration of the milk by addition of Nirma Powder and other detergents. In so far as the present Applicant is concerned, he is only the driver on the vehicle in which the milk was being transported. It appears that there was a transport contract between the employer of the present Applicant and the company for transport of the milk.

4. Learned Counsel for the Applicant submitted that the Applicant is not even an employee of the main Accused who are alleged to have committed adulteration of the milk.

5. Learned APP, in all fairness, did not dispute that the only role of the Applicant is that he was a driver on the vehicle and in spite of knowledge, he did not report the matter of adulteration to the authorities. In other words, there is no allegation that the Applicant was actively involved in the adulteration of the milk. The record discloses that there is interim protection operating in favour of the Applicant since 29 October 2021.

6. In such circumstances, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.557/2021 of Police Station Baramati, Pune Rural, the Applicant be released on

bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall report to the Investigating Officer on 17/2/2022 and 18/2/2022 between 11.00 a.m. to 1.00 p.m. and as and when directed and shall cooperate with the Investigating Agency.

(iii) The Applicant shall not assist himself in any manner with the adulteration, transport and/or distribution of the adulterated milk.

(iv) In the event of breach of any of the conditions, the bail is liable to be cancelled.

(v) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.