

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO.290/2022

Amit s/o Shriramji @ Ramdeen Rathore

...Versus...

State of Maharashtra, Through P.S.O. PS. Anjangaon Tq. Anjangaon, Distt.
Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Jaiswal, Advocate for applicant
Ms T.H. Udeshi, APP for non-applicant/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 25/04/2022

1. Heard Shri Jaiswal, learned Counsel for the applicant and Ms Udeshi, learned Additional Public Prosecutor for the non-applicant/State.
2. The applicant has been arraigned for the offence punishable under Sections 188, 272, 273, 328 of Indian Penal Code and under Sections 26 (2) (i), 26 (2) (iv), 27 (3) (e) and 27 (3) (d) of the Food Safety and Standards Act, 2006. The date of the incident is 03/03/2022 and the applicant has been arrested on the same day. The charge-sheet is yet to be filed.
3. Shri Jaiswal, learned Counsel for the applicant contends that since the applicant is the permanent resident of

Sawalmenda, Tq. Bhaisdehi, Distt. Baitul, where the production and sale of tobacco products is not prohibited and as the co-accused had got the same from the applicant at his place of residence, which is in Madhya Pradesh, the applicant is entitled for bail.

4. Ms Udeshi, learned Additional Public Prosecutor for the non-applicant/State does not dispute that the applicant is the permanent resident on the address stated above and so also the fact that production and sale of tobacco products is not prohibited in the state of Madhya Pradesh. It is also not disputed that the applicant has not entered into the State of Maharashtra with the prohibited products but was only instrumental in selling them to co-accused at his place of residence, considering which, a case for bail is made out. Hence, the following order.

ORDER

(i) The criminal application is allowed. The applicant be released on bail in Crime No.194/2022 for the offence punishable under Sections 188, 272, 273 328 of Indian Penal Code and under Sections 26 (2) (i), 26 (2) (iv), 27 (3) (e) and 27 (3) (d) of the Food Safety and Standards Act, 2006, registered with Police Station Anjangaon, Amravati (Rural), upon his furnishing P.R. Bond in the sum of

Rs.50,000/- (Rupees Fifty Thousand Only) with two local sureties of like amount.

(ii) The applicant shall not tamper with the prosecution evidence nor shall influence the prosecution witnesses.

(iii) The applicant shall attend the concerned Police Station as and when intimation in that regard is sent to him and shall co-operate with the investigating agency.

(iv) The applicant shall attend each and every date before the learned Trial Court and shall ensure that the trial is not protracted on account of his actions.

(AVINASH G. GHAROTE, J.)

Wadkar