

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

Criminal Application (BA) No. 621 of 2022

Prakash S/o Shivandas Motwani

Versus

The State of Maharashtra, through Police Station Officer, Gadge Nagar,
Amravati, Dist. Amravati

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

Court's or Judge's Order

Shri P.V.Navlani, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 27th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 546 of 2020 dated 14th May, 2022 registered with Police Station Gadgenagar, Dist. Amravati for the offence punishable under Sections 272, 273, 328 of Indian Penal Code and Sections 26(1), 26(2), 26(2)(iv), 59, 27(3)(e), 30(2)(a) of Food Safety and Standards Act, 2006.

2. Learned counsel for the applicant submits that the Hon'ble the Supreme Court of India has granted anticipatory bail to some of the accused persons

involved in similar offence as in the present matter. He further submits that applicant is in jail from last one month and no further custody of the applicant is required, looking to the allegations made in the First Information Report. He therefore, prays for grant of bail.

3. Learned Additional Public Prosecutor strongly opposed the application.

4. In some of the cases SLPs are filed in the Hon'ble Supreme Court of India, challenging the order of rejection of anticipatory bail to the accused persons who are involved in similar offence and the said matters are pending before the Hon'ble the Supreme Court of India.

5. In this case, the applicant is in jail from last one month and there are no criminal antecedents against the applicant. After looking at the allegations made in the First Information Report, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 546 of 2022 registered with Police Station Gadgenagar, Dist. Amravati for the offence

punishable under Sections 272, 273, 328 of Indian Penal Code and under Section 26(1), 26(2), 26(2)(iv), 59, 27(3)(e), 30(2)(a) of Food Safety and Standards Act, 2006 on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;

iii. The applicant shall attend the concerned police station on 1st day of every month between 10 am to 12 noon till the conclusion of the trial;

iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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by
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