

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

CRIMINAL APPLICATION (ABA) NO.617 OF 2022

Dinesh S/o Abhimanyu Sirsat .Vs. State of Maharashtra, through P.S.O., P.S. MIDC,
Akola

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

Court's or Judge's Order

Shri M.V. Rai, Advocate for the applicant.

Shri S.M. Ghodeswar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 06/09/2022

1. The applicant is seeking pre-arrest bail in Crime No. 299 of 2022, dated 16/07/2022, registered with Police Station, M.I.D.C., District: Akola, for the offences punishable under Sections 188, 272, 273, 328, 420 read with Section 34 of the Indian Penal Code, 1860 and Sections 26(2)(iv)(i), 27(3)(d), 27(2)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

2. Shri Rai, learned counsel for the applicant submits that from the allegations made in the First Information Report (FIR), it can be seen that custodial interrogation of the applicant is not necessary. It is pointed out that the contraband items involved in the alleged offence have already been seized by the Police and there is nothing to be recovered from the applicant. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, Shri Ghodeswar, learned APP strongly opposed the application and submits that custodial interrogation of the applicant will require in this case.

4. I have perused the case diary and the application.

5. From the FIR, it is evident that the contraband involved in the present crime have already been seized by the Police. Thus, looking to the nature of allegations made in the FIR, I am of the opinion that custodial interrogation of the applicant is not necessary. In that view of the matter, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.299 of 2022, dated 16/07/2022, registered with Police Station, M.I.D.C., District: Akola, for the offences punishable under Sections 188, 272, 273, 328, 420 read with Section 34 of the Indian Penal Code, 1860 and Sections 26(2)(iv)(i), 27(3)(d), 27(2)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 19th September, 2022 till 24th September, 2022 between 10.00 a.m. to 12.00 noon and co-operate the Investigating Officer in investigation.

- d) The State is at liberty to apply for cancellation of bail, if the applicant commits similar offence or breach of any condition.

The criminal application is **disposed** of accordingly.

[ANIL S. KILOR, J.]