

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.340 OF 2023

Subhash s/o Mailirappa Kalshetti ... APPLICANT

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Mr. A.S. More, Advocate for applicant
Mr. A.A. Jagatkar, A.P.P. for respondents
.....

CORAM : R.G. AVACHAT, J.

DATE : 24th MARCH, 2023

PER COURT :

Heard. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicant is having every apprehension of arrest in connection with F.I.R. bearing No.252/2022, registered at Murum Police Station, Taluka Omerga, District Osmanabad for the offence punishable under Sections 328, 188, 272, 273 of the Indian Penal Code.

2. The name of the applicant has not been figured in the F.I.R. It is only the co-accused who has named him. The applicant is resident of State of Karnataka. There is no

ban on sale of Pan Masala in Karnataka. Except the offence punishable under Section 328 of the Indian Penal Code, all other offences are bailable one. In view of this, whether Section 328 is attracted in the facts and circumstances of the case would be a matter in issue during trial of the case. The Pan Masala has already been seized from the co-accused. As such, nothing is to be recovered from the applicant. In view of the above, the application is allowed. The order dated 10/3/2023, granting interim anticipatory bail to the applicant is made absolute.

3. The applicant shall not tamper with the prosecution evidence and shall appear before the investigating officer as and when required for the purpose of investigation.

(R.G. AVACHAT, J.)

fmp/-