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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.854 OF 2023

**ASHOK MAROTRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Pratap Vikhe h/f Mr. S.J. Salunke
APP for Respondent/State : Mr. Y.G. Gujarati

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CORAM : S.G. MEHARE, J.

DATED : JUNE 12, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.134 of 2023 registered with Manwat Police Station, District Parbhani for the offence punishable under Section 328, 272, 273, 188 r/w 34 of Indian Penal Code.
3. It is a case of selling gutka, scented tobacco and pan masala. Whether Section 328 of Indian Penal Code would apply to this case or not, is pending with the Hon'ble Supreme Court. The Hon'ble Supreme Court has granted bail to the accused. That apart, the recovery has been done forthwith. Nothing is to be recovered from the applicant. Considering the period of languishing of the applicant in jail for about one and a half month, the facts and circumstances,

and the issue as discussed above is seized with the Hon'ble Supreme Court, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Ashok Marotrao Kadam, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.
- (iii) The applicant shall attend the concerned police station as and when called on written notice by the investigating officer, till filing the charge sheet.
- (iv) The applicant shall not involve in similar crime.

(S.G. MEHARE, J.)