

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.999 OF 2023

SACHIN VIRENDRA GUPTA
 VERSUS
 THE SUPERINTENDENT OF POLICE BEED

...
 Advocate for Applicant : Mr. Avinash R. Borulkar
 APP for Respondent – State : Mr. G.O. Wattamwar

...

CORAM : R. M. JOSHI, J.
 DATE : JULY 19, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.142 of 2023 registered with Georai Police Station, Tal. Georai, Dist. Beed for the offences punishable under Section 188, 272, 273, 328 r/w. 34 of the Indian Penal Code.

2. Learned counsel for applicant contended that except statement made by co-accused, there is absolutely nothing on record to connect applicant with crime in question. He contended that entire recovery is already done and custodial interrogation of applicant is not necessary. He further contended that issue as to whether the offence punishable under Section 328 of the Indian penal Code would

attract to contraband article – Gutkha and Pan Masala is pending before the Hon'ble Apex Court.

3. Learned APP opposed submissions made by learned counsel for applicant contending that co accused made statement about involvement of applicant in present crime. He further contended that investigation is required to be done in respect of source of the said contraband articles – Gutkha and Pan Masala. It is claimed that Section 328 of IPC has application to the present case and hence he prayed to reject application.

4. At this stage, it cannot be said that offence punishable under Section 328 of IPC would attract in the present case. Entire muddemal is seized during the raid. Nothing is to be recovered at the instance of applicant. On perusal of investigation papers, except statement of co-accused there is no evidence on record to connect applicant with present crime. So far as further investigation is concerned in order to find out the source of said contraband articles, appropriate direction to applicant to appear before Investigating Officer would be sufficient. In view of this, following order is passed.

ORDER

(i) The application is allowed in terms of interim order dated 26.06.2023.

[R. M. JOSHI]
JUDGE

GGP