

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

ANTICIPATORY BAIL APPLICATION NO.1687 OF 2023

Revannath Harigiri Gosavi

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. V.P Narwade, Advocate for the applicant.

Mr. S.P. Sonpawale, APP for respondent-State.

...

CORAM: R.M. JOSHI, J

DATE : OCTOBER 31, 2023

PER COURT :

1. Learned APP waives service of notice for respondent No. 2.

By consent of parties taken up for hearing.

2. Applicant apprehends arrest in connection with with C.R. No. 757 of 2023 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under Section 328, 272, 273, 188 of the Indian Penal Code.

3. On 25.08.2023, raid was conducted in the shop belonging to the co-accused wherein contraband articles-Gutkha and Panmasala worth Rs. 21,650/- was seized. Co-accused disclosed to the police that said articles are purchased from the applicant.

4. Learned counsel for the applicant submits that except for the statement of co-accused there is absolutely no evidence to connect

the applicant with the crime in question. He submits that issue as to the application of Section 328 of IPC in such cases is pending before the Hon'ble Apex Court and hence, at this stage, it cannot be said that said offence is applicable to the facts of the present case. He further submits that there is no criminal antecedents and custodial interrogation of the applicant is not necessary.

5. Learned APP opposed the application submitting that at this stage there is no evidence except the statement of the co-accused, however, for the purpose of ascertaining as to whether the contraband articles are purchased from the applicant, his custodial detention is necessary. He further submits that police is required to conduct raid at the premises of the applicant.

6. Perusal of FIR as well as investigation papers at this stage shows that except for the statement of co-accused there is no evidence to connect the applicant with the crime in question. Contention of learned APP that police is required to conduct raid at the premises of the applicant cannot be a ground to deny relief to the applicant. By directing the applicant to remain present before Investigating Officer will suffice the purpose of further investigation. Hence, the application is allowed in terms of order dated 10.10.2023. Applicant is directed to appear before the investigating officer once in a 15 days till filing of the charge sheet.

[R.M. JOSHI, J.]