



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2757 OF 2023

SHESHKUMAR MANGAL SING ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Umesh H. Pawar for the Applicant.
Mr. P. H. Gaikwad, APP for the State.
Shitalkumar Kolhal, Assistant Police Inspector, Shahapuri
Police Station, Kolhapur

CORAM : M. S. KARNIK, J.
DATE : SEPTEMBER 15, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under Sections 328, 272, 273, 188 of the Indian Penal Code (hereafter 'IPC' for short) and Section 59 of the Food Safety and Standards Act, 2006, registered on 23/08/2023 vide C.R. No.848 of 2023 with Shahapuri Police Station, District Kolhapur.
3. The applicant was arrested on 23/08/2023. The complainant is working as a Food Safety Inspector in the Department of Food and Medicine at Kolhapur. On

23/08/2023 he received secret information that one vehicle bearing No. MH-14 KL 5999 will be traveling on the Pune-Bangalore Highway illegally carrying Panmasala and Tobacco substances. As per the information, the Complainant and other officers with one panch witness made a trap and stopped the above vehicle at Tanwani Hotel Chowk, Kolhapur and took a search. At that time Applicant was found in possession along with banned Guthaka, Panmasala, Scented Tobacco and coconut bags. The entire goods have been recovered and are in the custody of the investigating agency.

4. The applicant was working as a driver on the said vehicle. It is the accusation that the goods belonged to the accused No. 3. The applicant has been in custody since 23/08/2023 and there are no criminal antecedents reported against the present applicant. Further custody of the applicant is not required. Except for Section 328 of the IPC, all other sections are bailable in nature. The issue about the applicability of Section 328 of IPC in such a case is the subject matter of consideration before the Supreme Court in

a batch of petitions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sheshkumar Mangal Sing in connection with C.R. No.848 of 2023 registered with Shahupuri Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Shahupuri police station once in two months, every first Monday of the alternate month, between 11.00 a.m. and 1.00 p.m. commencing from October 2023.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. The application is disposed of.

(M. S. KARNIK, J.)