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

**BAIL APPLICATION NO.3285 OF 2023**

|                          |              |
|--------------------------|--------------|
| ABHAY NARAYAN KESARKAR   | ..APPLICANT  |
| VS.                      |              |
| THE STATE OF MAHARASHTRA | ..RESPONDENT |

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Adv. Mahesh Vijay Rawool for the applicant.  
Mr. N. B. Patil, APP for the State.  
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**CORAM : M. S. KARNIK, J.**

**DATE : OCTOBER 27, 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 Section 328 of the Indian Penal Code (hereafter 'IPC' for short) and under Sections 26(2)(iv), 27(3)(d), 27(3)(e), 30(2)(a), 59 of Food Safety and Standards Act, 2006 registered on 01.09.2023 vide C.R. No.71 of 2023 with Sindhudurgnagari Police Station, District Sindhudurg.
- 3.** The applicant was arrested on 01.09.2023. The question of applicability of Section 328 of the IPC in the

case of present nature is pending consideration before the Hon'ble Supreme Court. Rest of the offences are bailable.

**4.** Learned APP opposed the application for bail contending that the charge-sheet is likely to be filed soon and that the applicant can apply for bail after the charge-sheet is filed. Learned APP submitted that there are as many as four offences of similar nature registered against the present applicant.

**5.** The applicant is a driver of the vehicle. The main accused - Bhushan Shrikrishna Shirsat has been granted interim protection by this Court in Anticipatory Bail Application No.2792 of 2023 that is filed by him. In the facts and circumstances of the present case further custody of the applicant is not necessary. The applicant can be enlarged on bail. Hence, the following order :-

### **ORDER**

(a) The application is allowed.

(b) The applicant-Abhay Narayan Kesarkar in connection with C.R. No.71 of 2023 registered with Sindhudurnagari Police Station, District Sindhudurg 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 is permitted to furnish cash bail surety in the sum of Rs.25,000/- for a period of 6 weeks in lieu of surety.

(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.

(f) Except for attending the trial, the applicant shall not enter Sindhudurg District after being released on bail considering the nature of the antecedents till further orders of the trial Court.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

**6.** The application is disposed of.

**(M. S. KARNIK, J.)**