

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.92 OF 2023

Haridas E. Gopalghare

...Applicant

V/s.

The State of Maharashtra

...Respondent.

Mr. Subhash S. Jadhawar for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 10.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.557 of 2021 registered at Baramati Police Station, Pune for the offences punishable under Sections 420, 272, 273, 328 read with 34 of the Indian Penal Code and Sections 26(1), 26(2)(i), 27(1), 27(2)(c), 3(1)(a), 3(a)(zz)(v), 3(a)(zz)(iii), 59 of the Food Safety And Standards Act.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
4. On 21 September 2021, on the basis of a secret information, the complainant Food Safety Officer, intercepted a tanker bearing registration No. MH-11 AL-5962 which was transporting cow's milk from M/s Shivkrupa Milk Collection Centre, Kharda, Taluka

Jamkhed, District Ahmednagar to M/s Real Dairy Industries Pvt. Ltd., Baramati, District Pune and on examining the said milk, it was found to be adulterated and not fit for human consumption.

5. The learned counsel for the applicant submits that the applicant has no connection with the alleged crime. It is submitted that according to the prosecution the present applicant, who is also running milk collection centre, has sold milk to M/s Shivkrupa Milk Collection Center, however, there is no evidence to that effect except the statement of co-accused i.e. proprietor of the said M/s Shivkrupa Milk Collection Centre, with whom the applicant had business rivalry. It is submitted that considering the facts and circumstances, the applicant may be released on anticipatory bail.

6. The prosecution has already filed the charge-sheet against the other co-accused. There is no independent evidence against the applicant except the statement of the co-accused. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed.

ORDER

A) The Anticipatory Bail Application is allowed.

B) In the event of arrest of the applicant- Haridas E. Gopalghare, in C.R. No. 557 of 2021 registered at Baramati Police Station, Pune for the offences punishable under Sections 420, 272, 273, 328 read with 34 of the Indian Penal

Code and Sections 26(1), 26(2)(i), 27(1), 27(2)(c), 3(1)(a), 3(a)(zz)(v), 3(a)(zz)(iii), 59 of the Food Safety And Standards Act, the applicant be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

[N.R.BORKAR, J.]