

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

ANTICIPATORY BAIL APPLICATION NO. 914 OF 2022

Abdul Nasiruddin Shaikh

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Viresh Purwant for the Applicant.
Mr. Shrikant Yadav, APP for the State.
PSI Sangle, from Valsang Police Station.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 16th MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.99 of 2022 registered with Valsang Police Station, Solapur for offences under Section 188, 272, 273, 327 of the Indian Penal Code and under Section 26(2)(i), 26(2)(iv), 27(2)(e), 3, 59 of Food Safety and Standard Act, 2006.

2. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR dated 10.03.2022 lodged by one Prashant Kuchekar, Food Security Officer,

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Food & Drugs Administration, Solapur. The FIR prima facie reveals that the vehicle bearing registration No. MH-13-DA-1662 was intercepted and 54 packets containing Goa-1000 Gutkha worth Rs.5400/- were recovered from the said vehicle. It is stated that the said Gutkha was being transported for sale despite prohibition of sale of Gutkha in the State of Maharashtra.

4. By order dated 5.4.2022 this Court had granted interim protection to the Applicant. Learned APP states that the Applicant has co-operated with investigation. He has been interrogated and that the investigation is completed. Under instructions from the Investigating Officer APP states that presence of the Applicant is not required for custodial interrogation. Under the circumstances, the application is allowed on the following terms and conditions:

5. Considering the above facts and circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.-C.R.No.99 of 2022 registered with Valsang Police Station, Solapur, the Applicant be released on bail on furnishing bail bond of Rs.20,000/- (Rupees TwentyThousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicant shall report to the Investigating Officer if required

for the purpose of investigation and interrogation.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

(iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)