

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

ANTICIPATORY BAIL APPLICATION NO.927 OF 2022

Chandrakant Jotiram Khirsagar

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Hrishikesh S. Shinde i/b. Mr. Shailesh Chavan for the Applicant.

Mr. R.M. Pethe, APP for Respondent-State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.P.C. filed by the Applicant apprehending his arrest in C.R. No. 27 of 2022 registered with Kamati Police Station, District-Solapur, for the offences punishable under Sections 188, 272, 273 and 328 of the IPC and Section 59 of the Food Safety and Standards Act, 2006.

2. Heard Mr. Hrishikesh Shinde, learned counsel for the Applicant and Mr. R.M. Pethe, learned APP for Respondent -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

complaint lodged by Prashant Kuchekar, Food Safety Officer alleging that Kamti Police station has seized one truck with sachets of Vimal tobacco, V1 Tobacco and R.M.d. Pan Masala etc. total worth Rs.29,28,000/-. The driver was taken in custody. It is stated that the said seized material is banned in the State of Maharashtra, despite which the Applicant herein has transported the same in the State of Maharashtra.

4. It is stated that issue regarding applicability of Section 328 of the IPC in such cases is pending before the Hon'ble Supreme Court. The other offences are not of serious nature. The Applicant was granted interim protection on 07/04/2022 and the said protection is continued from time to time. The records reveal that the Applicant was directed to report on 14th and 15th April, 2022 and further as and when required by the investigating agency. Almost a year has passed since the said dates.

5. Considering the above facts and circumstances, in my considered view no case is made out for custodial interrogation. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 27 of 2022 registered with Kamati Police Station, District-Solapur, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.20,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned investigating officer as and when required by the investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)