

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

ANTICIPATORY BAIL APPLICATION NO.1624 OF 2023

Mallikarjun Gurulingappa
Chandkawate

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Amit A. Karande for the Applicant.

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

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CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 14th JULY, 2023.

P. C. :-

1. This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicant, who is arrested in C.R. No.370 of 2023 registered with Pandharpur (city) Police Station, Solapur, for the offences punishable under Sections 188, 272, 273, 328 r/w 34 of the IPC and Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

2. Heard Mr. Karande, learned counsel for the Applicant and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

3. The case of the prosecution is that a vehicle bearing registration No. MH-13 DQ-1402 was intercepted near Laxmanrao Patil Temple at Pandharpur city. Gutkha and Pan Masala, prohibited food items, which were being transported by the said vehicle were seized and the co-accused- Pravin Bhosale and Sandeep Pise were taken into custody. The co-accused informed the Investigating Officer that they had purchased the said prohibited food items from Karnataka. It is alleged that the Applicant is the Vendor, who had sold the said prohibited food items to the co-accused.

4. Learned counsel for the Applicant states that apart from the statement of the co-accused, there is no other material to indicate that the Applicant had sold the said prohibited food items. It is also stated that there is no prohibition in the State of Karnataka for sale of such food items.

5. The records reveal that the Applicant is in custody since 08/06/2023. Considering the nature of the accusations, it is not necessary to detain the Applicant in custody any further. Hence, the

application is allowed on the following terms and conditions:-

- (i) The Applicant, who is arrested in C.R. No.370 of 2023 registered with Pandharpur (city) Police Station, Solapur, he shall be released on bail on furnishing PR bonds in the sum of Rs.40,000/- with one or two sureties each to the like amount;
- (ii) The Applicant shall report to the Pandharpur Police Station once in three months on the first Monday between 11.00 a.m. to 2.00 p.m, till framing of the charge;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) The Applicant shall keep the Trial Court 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.)