

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3489 OF 2022**

Abhijeet Jitendra Lolage

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ranjeet Patil i/b Mr. Rupesh Zade for the Applicant.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Jaysingh Kachre, Malegaon Police Station, Present.

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CORAM : N.R. BORKAR, J.

DATED : 12 JANUARY 2023

P.C. :-

This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 74 of 2022 registered at Malegaon police station for the offences punishable under Sections 188, 328 of the Indian Penal Code and Sections 26(1), 26(2)(a), 27(3)(e), 59 of the Food Safety Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. On 12 November 2022, the co-accused in the present crime, namely, Ramdas More was apprehended as he was found to be selling

Gutkha Packets (Prohibited Tobacco Products). During the course of investigation it was found that he had purchased the said Gutkha Packets from the present applicant.

5. The learned counsel for the applicant submits that Section 328 is not attracted in the present case. It is submitted that there is no need of custodial interrogation. It is submitted that the applicant may, therefore, be released on anticipatory bail.

6. On the other hand, the learned APP submits that the applicant is involved in one more crime of similar nature. It is further submitted that the prosecution has collected phone call records of the applicant and co-accused from which it is apparent that they were in contact with each other.

7. Considering the fact that the applicant is involved in one more crime of similar nature, I am not inclined to release him on anticipatory bail.

8. Application is rejected.

(N.R. BORKAR, J.)

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JADHAV
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