

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 196/2023

AMARJEET S/O. DRUPPRASAD GUPTA

VS

STATE OF MAH. THR. PSO GADCHANDUR PS, TAH. CHANDRAPUR, DIST.
CHANDRAPUR.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr N.Chawhan, advocate for the applicant.

Mr M.J.Khan, APP for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/06/2023.

1. Heard.
2. The applicant is apprehending arrest in Crime No. 03/2023 registered with Police Station, Gadchandur, District Chandrapur for the offences punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code.
3. The applicant is apprehending arrest at the hands of Police as one Subhash Tiwari has lodged the report on an allegation that on 11/02/2023 along with other Police Officials he was on patrolling duty, and he suspected one person, who was selling the scented tobacco. The said person was caught and scented tobacco was seized from his

custody. During investigation, he made a statement that he purchased the said articles from shop of present applicant. Thus, on the basis of statement of the co-accused, the name of the present applicant is revealed and the crime is registered against him.

4. As the applicant is apprehending arrest at the hands of Police, he approached to this Court for grant of anticipatory bail. While granting ad-interim anticipatory bail, this Court has observed by order dated 28/03/2023, that considering the accusation made against the accused, prima-facie, it appears that the allegation as regards the administration of the poisonous substance or to cause some one to take poisonous substance with an intent to cause heart or to facilitate the commission of an offence are not made out.

5. Merely because the applicant has supplied the contraband to the accused, one cannot attribute him the charge that he supplied the contraband for the purpose of administration to the unknown person or knowing that it will be administered to the unknown persons with intent to cause hurt, and this Court has granted ad-interim anticipatory bail on condition that applicant shall attend the Police Station and shall cooperate with the investigating

agency. Accordingly, the present applicant has cooperated with the investigating agency. The search of the shop was offered by the present applicant, however, nothing incriminating is recovered from the shop during the investigation.

6. As earlier observed by this Court, merely because the applicant has supplied the contraband to the co-accused, the ingredients of the offence cannot be attributed to him to show his involvement on an allegation that he supplied the contraband for the purpose of administration of the unknown person and or unknowing that it will not be administered to the unknown person. At this stage, there is no material to show that his physical custody is required for investigation purpose.

7. In view of that, interim relief granted to the applicant deserves to be confirmed. Accordingly, I proceed to pass following order:-

- a) In the event of arrest in Crime No. 03/2023 registered with Police Station, Gadchandur, District Chandrapur District Chandrapur for the offences punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code,

the applicant- Amarjeet s/o Drupprasad Gupta, be released on bail on he furnishing PR Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

- b) The applicant shall attend the concerned Police Station as and when required.
- c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE