

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

CRIMINAL APPLICATION (ABA) NO.368 OF 2023

Shyamsundar s/o Santoshkumar Lahoti

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Wardha, District
Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. U. Tathod, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/08/2023

1. By this application, the present applicant is seeking anticipatory bail in the event of his arrest in respect of crime No.546/2023 registered at Wardha Police Station for the offences punishable under Sections 272, 273, 328 of the Indian Penal Code and Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz) (iv) and 59 of the Food Safety and Standards Act, 2006.

2. The accusation against the present applicant is that the crime is registered against him on the basis of report lodged by PSI of Crime Branch, Wardha. On the basis of the secret information which was received by him. Accordingly, the raid was conducted and one person along with his moped bearing Registration No. MH-32-AM-5623 was accosted. After the initial inquiry, he disclosed his name as Dinesh Bhimraoji Jaiswal and

further disclosed that the bag contains flavoured betel nuts amounting to Rs.12,000/- approximately. During the raid, scented tobacco, betel nuts, and other articles were seized amounting to Rs.4,64,427/-. During the interrogation with the said person, he has disclosed the name of the present applicant and therefore, present applicant was arraigned as an accused in the said crime.

3. As per the contention of the present applicant, he is involved merely on the basis of the statement of co-accused. Nothing is recovered from him. The entire products were seized from the co-accused.

4. The said application is strongly opposed by the State on the ground that the co-accused has purchased the entire stock from the present applicant and therefore, his custodial interrogation is required.

5. Having heard both the sides. On perusal of the FIR and investigation papers, it reveals that the present applicant is involved on the basis of the statement of co-accused. As far as the stock is concerned, which is already recovered from the co-accused. The custodial interrogation of the present applicant is not required. As far as the applicability of Section 328 of Indian Penal Code is concerned, the issue is pending before the Hon'ble Apex Court. Considering that immediate custodial interrogation of the present

applicant is not required, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

(i) The applicant **Shyamsundar s/o Santoshkumar Lahoti** is released on anticipatory bail in the event of his arrest, in respect of crime No.546/2023 registered at Wardha Police Station for the offences punishable under Sections 272, 273, 328 of the Indian Penal Code and Sections 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz) (iv) and 59 of the Food Safety and Standards Act, 2006, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week on Monday on 10.00 am. to 1.00 p.m., till filing of the chargesheet.

(iii) The applicant shall furnish his cell phone number and address with the address proof.

(iv) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate