



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

991 BAIL APPLICATION NO. 273 OF 2024

- 1) Karan Ramabhai @ Karamshibhai
Hamabhai Jograna.
- 2) Vijay Aamabhai @ Vijaybhai
Hamabhai Jograna.

... Applicants

Versus

The State of Maharashtra.

... Respondent

...
Mr. N. L. Chaudhari, Advocate for Applicant.
Mr. Satish A. Gaikwad, APP for Respondent/State.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 08th March, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.48 of 2024 registered with Akkalkuva Police Station, District Nandurbar, for the offences punishable under Sections 328, 188, 272 and 273 of the Indian Penal Code and under Sections 26(2), 26(4) and 30(2)(a) of the Food and Safety Act.

3 It is averred in the report that these applicants were

carrying scented pan masala / tobacco worth Rs.60,60,000/-, which was seized by the investigating agency and the applicants were arrested on 14th January, 2024 i.e. on the same day after lodging of the report.

4 The learned counsel for applicants submitted that the issue is pending before the Honourable Supreme Court regarding validity of Section 328 of the IPC. Therefore, this Court has granted bail to such accused. He pointed out the order dated 3rd August, 2022 passed by this Court in Anticipatory Bail Application No.927 of 2022 (Shankar Mohanlal Khatri Vs. The State of Maharashtra) as well as the order dated 7th February, 2024 passed by this Court in Anticipatory Bail Application No. 2047 of 2023 (Fayyaz Maqsum Isani (Memon) Vs. The State of Maharashtra). He submitted that when anticipatory bail is granted to the accused, who were likely to be arrested for the offences punishable under Section 328 etc. of the IPC, then there is no problem for this Court to grant regular bail to these applicants. He further pointed out the order dated 8th December, 2021 passed by this Court in Bail Application No.1401 of 2021 (Shaikh Turab Pasha S/o Shaikh Sattar Vs. The State of Maharashtra), in which this Court has granted bail even by considering the case of *Anand Ramdhani Chaurasia and another Vs. State of Maharashtra and others, [2019 ALL MR (Cri.) 4402]*. He further pointed out the order of this Court dated 1st

February, 2024 passed in Bail Application No.45 of 2024 (Dipak Maharajsing Yadav Vs. The State of Maharashtra), in which the applicant, who was prosecuted for the offences punishable under Sections 328 etc. of the IPC are released on bail. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and pointed out that while passing the stay order in ***Anand Ramdhani Chaurasia and another*** (supra) the Honourable Supreme Court has stayed the order granting bail to the accused in that case. He submitted that the applicants are involved in serious crime. There is possibility of commission of same nature of crime on the part of these applicants. It is lastly prayed to reject the application.

6 Perused the report and the papers of investigation. The practical investigation is over and the custody of these applicants is not necessary. The applicants have roots in the society. They are residents of Jalgaon. They will not flee away from the trial. The trial will take long period. Considering all these aspects and the fact that this Court has granted bail in the above four cases (cited supra), these applicants are certainly entitled for bail. The application, therefore, deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants in connection with Crime No.48 of 2024 registered with Akkalkuva Police Station, District Nandurbar, for the offences punishable under Sections 328, 188, 272 and 273 of the Indian Penal Code and under Sections 26(2), 26(4) and 30(2)(a) of the Food and Safety Act be released on bail on furnishing personal bond of Rs.1,00,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.
 - c) The applicants shall not leave the Jalgaon District without prior permission of the Trial Court.
 - d) The applicants shall attend the trial regularly and mark their presence in the Akkalkuva Police Station, once in a week i.e. on every Monday in the morning, till filing of the charge-sheet.
 - e) If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further for cancelling the bail of these applicants without reference to this Court.

[SANJAY A. DESHMUKH, J.]