



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

983 ANTICIPATORY BAIL APPLICATION NO. 832 OF 2024

Rahul Prakash Shete

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Chaitanya C. Deshpande

APP for Respondents: Ms. V.S. Chaudhari

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CORAM : SHIVKUMAR DIGE, J.
DATED : 19th JUNE, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with FIR No.95 of 2024 registered with Sarangkheda Police Station, district Nandurbar, for the offence punishable under sections 328, 188, 272, 273 of the Indian Penal Code and under Sections 26(2)(iv), 27(3)(d) (e), 30(2)(a), 3(1)(zz)(i)(v) and 59 of the Food Safety and Standards Act.

2. It is the prosecution's case that on 1.5.2024, the police received a secret information that there was stock of Gutkha in the shop of accused No.1 and he was selling it secretly. On receiving the information, the police raided the shop of accused No.1 and in presence of panchas seized the Gutkha from his shop. In investigation, it revealed that accused No.1 had purchased the said

Gutkha from the applicant.

3. It is the contention of the learned counsel for the applicant that no Gutkha is seized from the possession of the applicant. The applicant has been falsely implicated in this case. The Gutkha is seized from the shop of accused No.1. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that accused No.1 had purchased the Gutkha from the applicant. The custodial interrogation of the applicant is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The Gutkha is seized from the shop of accused No.1. It is alleged that Gutkha is purchased from the applicant by accused No.1 but Gutkha is not seized from the possession of the applicant. Considering the nature of allegations against the applicant, his custodial interrogation is not required and I pass the following order:-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No.95 of 2024 registered with Sarangkheda Police Station, district Nandurbar, for the offence punishable under sections 328, 188, 272, 273 of the Indian Penal Code and under Sections 26(2)(iv), 27(3)(d) (e), 30(2)(a), 3(1)(zz)(i)(v) and 59 of the Food Safety and Standards Act, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following condition :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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