



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

921 ANTICIPATORY BAIL APPLICATION NO. 1188 OF 2024

AMIT JAYNARAYAN KHANDELWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rohit P. Patwardhan h/f Mr.Jadhav Satej S.
APP for Respondent/State : Mrs. D.S. Jape

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 22nd August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.449 of 2023 registered with Ausa Police Station, Dist. Latur, for the offences punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code (For short, "IPC") and section 59 of the Food Safety and Standards Act, 2006.
2. It is prosecution's case that on 25th October, 2023, the Police has seized *Gutka* from one vehicle no. MH-24-J-9562 and arrested the co-accused. It is alleged that the said *Gutka* was being sold to the applicant.
3. It is contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has no criminal antecedents. Only on the say of co-accused that the seized *Gutka* was being sold to the applicant, the name of the applicant is involved in this offence. Considering the allegations against the

applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the police has seized the *Gutka* from the vehicle of the co-accused. It was being sold to the applicant. It is necessary to interrogate the applicant and his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The allegations against the applicant are that the *Gutka* seized by the police was being sold to the applicant. The applicant has no criminal antecedents. Considering the 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.449 of 2023 registered with AUSA Police Station, Dist. Latur, for the offences punishable under sections 188, 272, 273, 328 read with 34 of the Indian Penal Code and section 59 of the Food Safety and Standards Act, 2006, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-

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

[SHIVKUMAR DIGE, J.]

sga