

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1467 OF 2024

Bashisht Bhagwat Gupta	...Applicant
vs.	
The State of Maharashtra	...Respondent

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
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Mr. Nehal Desale, for the Applicant.
Ms. Supriya Kak, APP, for the Respondent/State.
Mr. Ravikant Bhadrashete, PSI, Arnala police station.

CORAM : N. J. JAMADAR, J.

DATE : APRIL 08, 2024

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant who is arraigned in C.R. No. 129 of 2024 registered at Arnala police station for the offences punishable under sections 353, 179, 272, 273, 188 and 328 read with 34 of Indian Penal Code, 1860 and section 30(2)(a), 26(2)(i), 26(2)(iv), 27(3)(d), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006 seeks to be enlarged on bail.

3. In a raid conducted on 16th March, 2024, the applicant was allegedly found in possession of contraband article i.e. Gutkha. It is further alleged that when the first informant and the officers were in the process of seizure of contraband article, the co-accused Ramchandra Choudhari and Ashok Choudhari came thereat on a motor-cycle. The co-accused made Mr. Sawant, Food Safety Officer

to come out of the car, manhandled him and robbed him of the mobile phone. In the meanwhile, a police personnel came thereat and attempted to apprehend those persons. The co-accused Ramchandra Choudhary was apprehended but Ashok Choudhary, however, fled away.

4. Evidently, the contraband article has been seized. The allegations of using criminal force to a public servant so as to deter the public servant from discharge of his duty are attributed to co-accused Ramchandra Choudhary. At this stage, whether the applicant also shared common intention to commit offence punishable under section 353 of the Penal Code would be a matter for adjudication at the trial.

5. I am, therefore, inclined to allow the application.

Hence, the following order.

ORDER

1] The application stands allowed.

2] The applicant Bashisht Bhagwat Gupta be released on bail in C.R. No. 129 of 2024 registered at Arnala police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.

3] The applicant shall mark his presence at Arnala police station on the first Monday of every month in between 11 am

to 1 pm for a period of three years or till conclusion of the trial, whichever is earlier.

4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

5] The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

6] The applicant shall regularly attend the proceedings before the jurisdictional Court.

7] By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)