

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1759 OF 2024

Ramchandra Tulcharam Choudhary ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Rajas Naik, for the Applicant.
Mr. Gauri S Rao, APP, for the Respondent/-State.

CORAM : N. J. JAMADAR, J.
DATE : 6th May, 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 Sections 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, Bashisht Gupta, a co-accused was allegedly found in possession of a contraband article i.e. Gutka. The said co-accused was allegedly transporting the contraband article in the car, which belongs to the applicant. It is further alleged that when the first informant and the officials were in the process of seizure of contraband article, the applicant and

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Ashok Chaudhary, another co-accused, came there at on a motor cycle and manhandled the Food Safety Officer and robbed him of his mobile phone. The applicant was allegedly apprehended by the police personnel, who reached the spot.

4. The learned Counsel for the applicant submitted that Bashisht Gupta, the co-accused, from whose possession, the contraband has been seized, has already been released on bail by this Court by an order dated 8th April, 2024. There is no material to indicate that the car in which the contraband was allegedly being transported belonged to the applicant.

5. The learned APP resisted the application on the ground that apart from the transportation of the contraband article, the applicant indulged in the offence of using criminal force to a public servant. Therefore, the applicant does not deserve to be enlarged on bail.

6. It appears that the contraband article has been seized. The contraband was not found in possession of the applicant. Whether the applicant had the domain over the car which was being used to transport the contraband, is a matter for evidence. The allegations of using criminal force to the public servant so as to defers him from discharging the official duty do not appear to be such as to dis-entitle the applicant from bail.

7. I am, therefore, inclined to allow the application.
8. Hence, the following order.

Order

- 1] The application stands allowed.
- 2] The applicant Ramchandra Tulcharam Choudhary 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 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.

8] Application stands disposed of.

(N. J. JAMADAR, J.)