

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 3385 OF 2022**

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|------------------------|--------------|
| Mandar Rajendra Thosar | ..Applicant  |
| Versus                 |              |
| State of Maharashtra   | ..Respondent |

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Mr. S. K. Ali a/w. Shabi Fatma a/w. Asif Ali a/w. Pratibha Gupta  
i/b. A. A. Siddiquie & Associates for Applicant.  
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

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**CORAM : SARANG V. KOTWAL, J.**  
**DATE : 30 JANUARY 2024**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1417 of 2022, registered at Hadapsar Police Station, Pune city, on 12.11.2022, under sections 272, 273 and 328 of the Indian Penal Code and under sections 26(2)(i), 26(2)(iv), 3(1)(zz) (iv) and 59 of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'FSS Act').

2. Heard Mr. Ali, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The prosecution case is that the F.I.R. was lodged by

one Anil Gavte who was the Food Safety Officer, Pune. He was called by the police officers on 12.11.2022 at 12.30p.m. The police had intercepted a tempo bearing No.MH12/LT-1609 carrying banned food articles containing tobacco and pan masala. The tempo was searched and the banned food articles namely scented tobacco, pan masala etc. worth Rs.5,58,000/- was seized. Four persons namely Anil Dhepe, Shoeb Ansari, Shahanawaj Ansari and Hidayat Udekari were named in the F.I.R. Out of them, Anil Dhepe was the driver. He informed that, he had brought the seized goods with the help of other three persons. The total value of the seized articles was worth Rs.5,58,000/-. The investigation revealed that the driver Anil Dhepe was given these food articles by the present applicant and other accused Darshan Turekar and Pankaj Turekar. Therefore, the applicant is apprehending his arrest.

4. Learned counsel for the applicant submitted that, the applicant has not committed any offence. He is not connected with the arrested accused. He is wrongly implicated. He further submitted that, Section 328 of the I.P.C. is not attracted.

5. Learned APP opposed these submissions. She submitted that, in the present application, the applicant was protected by ad-interim order. However, the applicant has other antecedents of a similar nature i.e. C.R.No.585 of 2022 registered at MIDC Bhosari police station, C.R.No.37 of 2015 and 1407 of 2020 both registered at Hadapsar police station under the similar sections. She further submitted that, this Court, in an identical matter i.e. in A.B.A.No.207 of 2024 involving Section 328 of the I.P.C. has passed an order today. She submitted that, the legal aspects discussed in that order are squarely applicable to the present case.

6. I have considered these submissions. As far as the applicability of Section 328 of the I.P.C. is concerned, the said issue is discussed in detail in the aforementioned order dated 30.01.2024 passed in A.B.A.No.207 of 2024. The reasoning and findings recorded under that order are squarely applicable to the facts and arguments in the present case. The applicant has other antecedents, as mentioned herein above, of a similar nature. On all these counts the applicant does not deserve protection U/s.438 of

the Cr.p.c. His custodial interrogation is necessary.

7. The application is rejected.

**(SARANG V. KOTWAL, J.)**