

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1202 OF 2024**

Sachin Shankarlal Khandelwal ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Amit Patil a/w. Mr. Rishabh Jadhav, i/b. Parinam Law Associates for the applicant.

Ms. Megha Sumit Bajoria, APP for respondent-State.

CORAM : MANISH PITALE, J.

DATE : 11th JUNE, 2024

P.C. :

. By this application, the applicant seeks protection as he apprehends arrest in connection with FIR registered under the provisions of Indian Penal Code, 1860 (IPC) and Food Safety and Standards Act, 2006. It is emphasized on behalf of the applicant that he has not been named in the FIR.

2. It is brought to the notice of this Court that the applicant is already enjoying ad-interim protection in terms of order dated 14.05.2024 passed by this Court (Coram: M. W. Chandwani, J). It is submitted that the applicant has indeed abided by the directions given in the said order and that he has attended the concerned police station as directed.

3. The learned counsel for the applicant submits that in addition to the reasons recorded in the order dated 14.05.2024, this Court may consider confirming the ad-interim protection on the ground that the very applicability of section 328 of the IPC in such cases, is under doubt and it is pending consideration before the Supreme Court. He submits that in a

number of such cases, wherein applications for anticipatory bail were dismissed and the matters reached the Supreme Court, while issuing notice and tagging such proceedings to the main proceeding, interim protection was granted to the petitioners by the Supreme Court.

4. He further submits that offences under sections 188, 272 and 273 of the IPC are all bailable in the context of the offences under the provisions of Food Safety and Standards Act, 2006, he relies on the judgment of the Supreme Court in the case of Ram Nath vs. State of Uttar Pradesh and others (2024 SCC OnLine SC 177).

5. The learned APP submits that the applicant has indeed appeared before the Investigating Officer in terms of the order granting him ad-interim protection. The pendency of the matters concerning section 328 of the IPC before the Supreme Court is not disputed, including the fact that in such cases, interim protection has been granted by the Supreme Court.

6. Considering the material brought to the notice of this Court, it would be appropriate that ad-interim protection granted by order dated 14.05.2024, is confirmed.

7. Accordingly, the order dated 14.05.2024 is confirmed and made absolute, thereby allowing the present application, with a further direction to the applicant to attend the concerned police station on every Wednesday for the next two weeks also, between 10:00 a.m. and 12:00 noon.

8. Needless to say, the applicant shall co-operate with the investigation.

(MANISH PITALE, J)