

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

Anticipatory Bail Application No. 1447 of 2024

Rajiv Kishan Kumar Bhatia

Age: 39 Years, R/o. s/o Kishan Kumar,

Flat No.701, JM Royal Park,

Ramprtha Green, Vaishali,

I.E. Sahibabad,

Ghaziabad, UP-201010

...Applicant

Vs.

The State of Maharashtra

(At the instance of the P.I.-

Bhiwandi Taluka Police Station,

Thane, Vide C.R.No.51/2024)

...Respondent

With

Anticipatory Bail Application No. 1442 of 2024

Rajiv Kishan Kumar Bhatia

Age: 39 Years, R/o. s/o Kishan Kumar,

Flat No.701, JM Royal Park,

Ramprtha Green, Vaishali,

I.E. Sahibabad,

Ghaziabad, UP-201010

...Applicant

Vs.

The State of Maharashtra

(At the instance of the P.I.-

Bhiwandi Taluka Police Station,

Thane, Vide C.R.No.112/2024)

...Respondent

Mr Amit Icham, for the Applicant in both ABAs.

Mr Yogesh Y Dabke, APP, for the Respondent/ State.

API RC Powar, Bhiwandi Taluka, Thane Rural, is present.

Coram: R.N. Laddha, J.

Date: 12 September 2024

P.C.:

Heard Mr Amit Icham, the learned Counsel appearing on behalf of the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State.

2. By this application, the applicant seeks pre-arrest bail in connection with CR Nos.51 of 2024 and 112 of 2024, both registered at Bhiwandi Taluka Police Station, Thane Rural, punishable for offences under Sections 328, 272, 273, 188 read with 34 of Indian Penal Code and Sections 3(1)(ZZ)(iv), 26(2)(iv), 27(1) and 30(2)(a) of the Food Safety and Standards Act, 2006.

3. In both these offences, the trucks carrying banned tobacco and gutkha items were intercepted, and the prohibited articles were seized upon search. Further investigation revealed that the applicant was the supplier of these banned goods for distribution to the co-accused.

4. Mr Amit Icham, the learned Counsel representing the applicant, asserts the applicant's innocence and submits that he has been falsely implicated in the crime. The applicant has cooperated with the investigation, which is now complete with filing the charge sheet. No

discovery or recovery is to be made at the instance of the applicant, as the banned goods are already in the custody of the investigating agency. Further, the applicant has been under interim protection since May 2024. The applicant is ready to comply with any terms this Court may impose.

5. Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, resisted the application emphasising the severity of the offence. However, the learned APP, on instructions, acknowledges that since the investigation is complete and the charge sheet has been filed, the custodial interrogation of the applicant is not necessary.

6. Upon perusing the records, the applicant appears to be accused of supplying the alleged prohibited goods. The applicant has been under interim protection since May 2024. The investigation is complete, and a charge sheet has been filed. Moreover, the learned APP, acknowledges that the custodial interrogation of the applicant is not necessary and there is no recovery or discovery to be made from the applicant. In these circumstances, this Court is inclined to allow the present applications. Hence, the following order:

ORDER

- (i) The interim orders dated 24 May 2024 passed by this Court in both applications are made absolute.

- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.
 - (iii) The applicant shall cooperate with the jurisdictional Court for the expeditious disposal of the case.
7. The applications stand disposed of accordingly.

[R.N. Laddha, J.]