

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1486 OF 2024

Shrishail Shivanna Kalamani	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Vaibhav Gaikwad for Applicant (through VC).
Mr. Balraj B. Kulkarni, APP for Respondent - State.

CORAM : MANISH PITALE, J.
DATE : JUNE 12, 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for the respondent - State.

2. By this application, the applicant seeks protection as he apprehends arrest in the context of FIR No.0155 of 2023 dated 16.02.2023 registered at Mangalwedha Police Station, District - Solapur for the offences under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860 (IPC) and Sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3) (e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

3. At the outset, the learned counsel for the applicant invited attention of this Court to an order dated 23.03.2023 passed by this Court in Anticipatory Bail Application No.855 of 2023 (*Dilip Ramchandra Maske Vs. State of Maharashtra*), whereby co-accused person has been granted interim protection, during pendency of the anticipatory bail application.

4. It is further submitted that the question of invoking Section 328 of the IPC in such cases is pending consideration before the Supreme Court and in pending matters, the Supreme Court has granted interim

protection to the accused persons. It is further pointed out that offences under Sections 188, 272 and 273 of the IPC are bailable, while the other offences are all under the provisions of the Food Safety and Standards Act, 2006. The learned APP does not dispute the fact that the matters are indeed pending before the Supreme Court concerning Section 328 of the IPC, wherein interim protection has been granted in number of cases. In any case, co-accused persons have already been granted interim reliefs by this Court. Hence, this Court is inclined to grant interim relief to the applicant. The learned APP may file reply affidavit within three weeks from today.

5. In view of the above, in the event the applicant is arrested in connection with FIR No.0155 of 2023 dated 16.02.2023 registered at Mangalwedha Police Station, District - Solapur, he shall be released on bail on furnishing PR Bond of Rs.25,000/- [Rupees Twenty Five Thousand only] and one surety in the like amount.

6. The applicant shall appear before the investigating officer on 24.06.2024 and 26.06.2024 between 10:00 a.m. and 12 noon and thereafter, whenever the investigating officer requires his presence.

7. The applicant shall provide details of his contact number and residential address to the investigating officer and updates in case of any change. He shall not interfere with the investigation and he shall co-operate with the same.

8. The applicant shall not influence any witnesses or persons concerned with the present case.

9. List for further consideration on 22.07.2024.

(MANISH PITALE, J.)