

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1567 OF 2024

(This order is corrected as per speaking to the minutes of the order dated 01st July, 2024)
Sunil Shankar Bhosle ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

- Mr. Yogesh Shelar and Muheet Nusani, for Applicant.
- Mr. Tanveer Khan, APP for State.
- Mr. Yogesh Kulave, P.C. Khed Police Station, Dist. Ratnagiri.

CORAM : MANISH PITALE, J.

DATE : 18th JUNE, 2024.

P. C. :

1. Heard Mr. Yogesh Shelar, learned counsel for the applicant and Mr. Tanveer Khan, learned APP for the State.

2. The applicant apprehends arrest in connection with First Information Report No.0161 of 2024 dated 04th May, 2024, registered at Khed Police Station, Dist. Ratnagiri for the offences under Sections 272, 273 and 328 of the Indian Penal Code (IPC), also under Sections 131 and 33(w) of the Maharashtra Police Act, 1951.

3. The learned counsel for the applicant submits that barring the offence under Section 328 of the IPC, all the other offences are bailable. As regards Section 328 of the IPC, it is submitted that the very applicability of the said provision is under doubt and several matters are pending before the

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Supreme Court in that connection. In such matters, the Supreme Court while placing the matters for final hearing, has granted interim protection to the accused persons. On this basis, the learned counsel for the applicant seeks relief in the present application.

4. On the other hand, learned APP does not dispute the fact that for offence concerning Section 328 of the IPC, the Supreme Court has granted interim protection to a number of accused persons and the question of applicability of the said section in such cases of alleged possession and sale of Gutkha are pending before the Supreme Court. The offences under Sections 272 and 273 of the IPC are bailable. The offences under the Maharashtra Police Act are minor offences and they are also bailable.

5. Considering the aforesaid undisputed material that all offences other than Section 328 of the IPC are bailable, as also the fact that the very applicability of Section 328 of the IPC of such cases is being considered by the Supreme Court in cases where accused persons have been consistently granted interim protection, this Court is inclined to allow the present application.

6. Accordingly, the application is allowed in the following terms:

- (A) In the event of arrest the applicant shall be released on bail in connection with First Information Report No.0161 of 2024 dated 04th May, 2024, registered at Khed Police

Station, Dist. Ratnagiri, on furnishing PR bond of Rs.50,000/- and sureties in the like amount to the satisfaction of the Trial Court.

(B) The applicant shall appear before the investigating officer on 24th June, 2024 and thereafter as and when called by the investigating officer. He shall cooperate with the investigation.

(C) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

7. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

8. The application is disposed of.

(MANISH PITALE, J.)