

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

Anticipatory Bail Application No.1697 of 2024

Vijay Karan Maurya

Aged 49 years, Occupation – Business,

Having his address at

Room No.402, Ajija Terrace, A Wing,

Indira Gandhi Road, Rashid Compound,

Kausa, Thane.

... Applicant

v/s.

The State of Maharashtra

(Through Narpoli Police Station)

... Respondent

....

Mr Kushal Mor, i/b. Tanmay Karmarkar, for the Applicant.

Mr CD Mali, APP, for Respondent State.

Mr Shivraj Patil, DCP, a/w. Mr Maloji Shinde, Senior P.I. and Mr
VL Rathod, PSI, Crime Branch, Thane City.

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Coram : R.N. Laddha, J.

Date : 25 June 2024

P.C. :

. The applicant apprehends arrest in CR No.868 of 2024, registered at Narpoli Police Station, Thane, for the offences punishable under Sections 328, 273, 188 of the Indian Penal Code, and Sections 26(2)(i), 27(i), 3(1)(zz)(iv), 59(iii), 26(2)(iv), and 30(2)(a) of the Food Safety and Standards Act, 2006. By the present application, the applicant seeks pre-arrest bail.

2. According to the prosecution, a truck *en route* from Hubli,

Karnataka to Bhiwandi, Maharashtra, was intercepted and searched. The inspection revealed that the truck was carrying contraband, specifically prohibited gutkha and pan masala valued at Rs.40,80,000/-. The driver and cleaner of the truck were promptly arrested. The prosecution further alleges that these banned items were intended for delivery to the applicant and other co-accused, who placed the order for it.

3. I have heard Mr Kushal Mor, the learned Counsel for the applicant, and Mr CD Mali, the learned Additional Public Prosecutor for the respondent/ State.

4. Mr Kushal Mor, the learned Counsel representing the applicant, submits that the applicant is falsely implicated in the present crime. He argues that the applicant is not named in the FIR, and no substantial grounds have been provided to justify his inclusion in the remand report as a wanted accused. The applicant has no criminal antecedents. The learned Counsel further submits that the co-accused, Asif Jafar Shaikh, who is at parity with the applicant, has already been granted interim protection by this Court on 14 May 2024 in ABA No.1324 of 2024. He also submits that the banned items have been recovered, and the applicant's custodial interrogation is not necessary.

5. On the other hand, Mr CD Mali, the learned Additional Public Prosecutor, appearing on behalf of the respondent/ State, submits that during the investigation, the co-accused revealed the applicant's name. The applicant is one of the purchasers of the seized prohibited items. He asserts that the offence is serious, and to uncover the entire transaction chain, the applicant's custody is necessary to identify the manufacturers, distributors, sellers, and shopkeepers. The learned APP further submits that if the applicant is enlarged on bail, he may tamper with the prosecution evidence/ witnesses.

6. Upon perusing the record, it *prima facie* appears that there is no material, including Call Detail Records or the particulars of the payment against the delivery of the prohibited articles, to suggest that the applicant purchased or ordered them. There is nothing on record to link the applicant to the crime except the co-accused's statement, which lacks specific details. Furthermore, the banned articles have been seized and the co-accused, Asif Jafar Shaikh, was granted ad-interim protection by this Court on 14 May 2024 observing that the investigation is on the verge of completion. The applicant has no criminal antecedents. The prosecution's apprehension about the tampering of the evidence or witnesses can be addressed by imposing appropriate conditions. In these circumstances, this Court is inclined to allow

the present application. Hence the following order:

ORDER

- (i) In the event the applicant is arrested in connection with CR No.868 of 2024, registered at Narpoli Police Station, Thane, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence any witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)