

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2722 OF 2024

Akash Shankarlal Kamrani

...Applicant

Versus

The State of Maharashtra

...Respondent

AND

ANTICIPATORY BAIL APPLICATION NO. 2723 OF 2024

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...Applicant

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The State of Maharashtra

...Respondent

- Mr. Rahul Kasliwal, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 08th OCTOBER, 2024.

P. C. :

1. In these two applications the applicant is the same person, who is apprehending arrest in connection with two different First Information Report bearing Nos.0082 of 2024 and 0086 of 2024, dated 14.04.2024 and 18.04.2024 respectively, registered at Police Station Ozar, District Nashik, for offences under Sections 188, 272, 273 and 328 read with Section 34 of the Indian Penal Code, 1860 (IPC). Except the offence under Section 328 of the IPC, all the other offences are bailable.

2. The question of applicability of Section 328 of the IPC, is in

serious doubt, as the matter is now pending before the Supreme Court in a number of cases. The Supreme Court has conducted hearing on the aforesaid issues and during the pendency of the hearing, a number of such accused persons have been granted protection from arrest. This Court has also granted such relief over a period of time.

3. But, the learned APP points out that the applicant herein is a repeat offender as, at least four FIRs have been registered against him for the said offences. Although the product “*Gutka*” is banned in the State of Maharashtra, the applicant has been repeatedly facilitating supply of such banned item from Madhya Pradesh. On that basis, it is submitted that even if this Court is inclined to grant relief to the applicant, appropriate stringent conditions may be imposed.

4. The learned counsel for the applicant submits that the applicant is a permanent resident of District Nashik and that he will cooperate with the investigation and that he will also remain present before the concerned Court if and when the trial is initiated.

5. This Court has recorded an undertaking of the applicant that he shall not indulge in any activity that may result in registration of similar offences against him.

6. In view of the above, both the applications are allowed in the following terms :

- (A) In the event the applicant is arrested, he shall be released on bail, in connection with FIR Nos.0082 of 2024 and 0086 of 2024, dated 14.04.2024 and 18.04.2024 respectively, registered at Police Station Ozar, District Nashik, on furnishing PR Bonds of ₹ 50,000/- as against each FIR, with one or two sureties each in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer in connection with the said FIRs, on 10th October, 2024, and 11th October, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation and he shall give details of his permanent address to the Investigating Officer.
- (D) 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 would

make the applicant liable to face proceedings for cancellation of anticipatory bail.

8. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

9. The application is disposed of.

(MANISH PITALE, J.)