

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

ANTICIPATORY BAIL APPLICATION NO. 2825 OF 2024

Amitkumar Dineshprasad Singh

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Prashant Prabhakar Raul, for Applicant.
- Ms. R.V. Newton, APP for Respondent.
- Mr. V.D. Muttannwar, ASI, Shikrapur Police Station.

CORAM : MANISH PITALE, J.

DATE : 22nd OCTOBER, 2024.

P. C. :

1. Heard, Mr. Raul learned counsel for the applicant and Ms. Newton, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with First Information Report No.0264 of 2024, dated 07.03.2024, registered at Police Station Shikrapur, District Pune, for offences under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860 (IPC), Sections 26(2)(i), 26(2)(iv), 27(3)(D), 27(3)(E), 3(1)(zz)(iv), 30(2)(a) and 59 of the Food Safety and Standard Act, 2006.

3. Having heard the rival submissions, this Court is inclined to allow the present application for the following reasons:

- (i) In such cases, where offence under Section 328 of the IPC

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has been registered, this Court has been granted relief of anticipatory bail on the ground that the very applicability of the Section 328 of the IPC, in such facts is in serious doubt and it is subject matter of proceedings before the Supreme Court. A number cases have been clubbed and are pending hearing before the Supreme Court on the said question, wherein the Supreme Court has granted protection to such accused persons. This Court has also granted protection in such similar cases.

- (ii) The applicant was not named in the FIR and the allegation against him appears to be that the co-accused person has used his motorcycle. Therefore, a *prima facie* case is indeed made out by the applicant in his favour.
- (iii) All the other offences registered against the applicant are concerned with minor punishments and they are bailable offences, thereby indicating that a *prima facie* case is made out by the applicant in his favour.
- (iv) The applicant has undertaken to cooperate with the investigation.

4. For the aforesaid reasons, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR Nos.0264 of 2024, dated 07.03.2024, registered at Police Station Shikrapur, District Pune, he shall be released on bail, on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 24th 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.
- (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.

12. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail.

13. 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.

14. The application is disposed of.

(MANISH PITALE, J.)