

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2862 OF 2024

Revannath Haribhau Gosavi

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Tushar N. Sonawane a/w Mr. Prashant Hagare, Mr. Krishna Tarde and Ms. Pooja Satpute, for Applicant.
- Mr. Kiran C. Shinde, APP for Respondent.
- Mr. S.B. Jagdale, PSI, Yavat Police Station.

CORAM : MANISH PITALE, J.

DATE : 23rd OCTOBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

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by SHRIKANT
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Date: 2024.10.23
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P. C. :

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

2. The applicant is apprehending arrest in connection with First Information Report No.0916 of 2024, dated 15.09.2024, registered at Police Station Yavat, District Pune, for offences under Sections 123, 223, 274 and 275 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and 26(2)(i), 26(2)(ii), 26(2)(iv) and 27(3)(d) of the Food and Safety Standards Act, 2006.

3. The offence under Section 123 of the BNS is equivalent to offence under Section 328 of the Indian Penal Code. In such cases, this Court has been granting anticipatory bail in the light of the fact that the question of the very applicability of the said provision in such facts concerning storage of

Gutkha, is pending consideration before the Supreme Court. In the pending matters, the Supreme Court has granted accused persons protection from arrest. This Court has also passed such orders. Alongwith the present application, the applicant has annexed one such order at page Nos.64 to 67.

4. The learned APP does not dispute the fact that the aforesaid matters are pending before the Supreme Court, wherein orders of protection from arrest have been passed in favour of similarly situated persons.

5. In view of the above, the present application is allowed in the following terms:

- (A) In the event the applicant is arrested in connection with FIR No.0916 of 2024, dated 15.09.2024, registered at Police Station Yavat, District Pune, he shall be released on bail, on furnishing PR Bond of ₹ 50,000/- with one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall appear before the Investigating Officer on 25th 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.

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

7. 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.

8. The application is disposed of.

(MANISH PITALE, J.)