



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 31/2024

Vilas Daulatrao Chandankhede V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Meena Hiwase. Ghare, counsel for the applicant.

Mr. A.G.Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/02/2024.

1. Apprehending arrest at the hands of police, in connection with Crime No. 469/2023 registered with Police Station Chimur, District Chandrapur for the offences punishable under Sections 188, 273, 328 of the Indian Penal Code, 1860 and Sections 26(2)(i), 26(ii) (iv), 30(2)(a) and 59 of the Food and Safety Standards Act, 2006. The applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Girish Trimbakrao Satkar alleging that on 22/12/2023, he received a secret information that in a Car bearing number MH-27-BX-4610, the contraband articles like scented nuts and tobacco is being transported therefore, he intercepted the Car and the articles along with the vehicle were seized. The driver of the vehicle was arrested and during inquiry, the name of the present applicant revealed as manufacturer and the supplier of the said contraband articles.

3. Learned counsel for the applicant submitted that as the entire contraband is already seized by the Police and the custodial interrogation of the present applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP filed his reply and submitted that the custodial interrogation of the present applicant is to be carried out and therefore, his physical custody is required.

5. After hearing learned counsel for both the sides, the only question remains whether the custodial interrogation of the present applicant is required. As already observed earlier that except Section 328 of the Indian Penal Code, the other offences are bailable one. The issue regarding the applicability of Section 328 of the Indian Penal Code is already pending before the Hon'ble Apex Court. The contraband articles are already seized and only for the purpose of interrogation, the custodial interrogation is not required.

6. Considering the ground raised by the learned APP, some conditions can be imposed on the present applicant. In view of that interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) In the event of arrest, in connection with crime No. 469/2023 registered with Police Station,

Chimur, District Chandarpur for the offences punishable under Sections 188, 273, 328 of the Indian Penal Code, 1860 and Sections 26(2)(i), 26(ii) (iv), 30(2)(a) and 59 of the Food and Safety Standards Act, 2006, the applicant – **Vilas s/o Daulatrao Chandankhede** shall be released on ad-interim anticipatory bail on executing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount

- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]