



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

CRIMINAL APPLICATION (ABA) NO.577 OF 2024

Murlidhar s/o Bacchumal Sachdev
Vs.

State of Maharashtra, Through Police Station Officer, Allipur, Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Rai, Counsel for the applicant.
Mr. K. R. Lule, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/09/2024

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.363/2024 registered with Police Station Allipur, District – Wardha, for the offences punishable under Sections 275, 274, 223, 123 of the Bharatiya Nyaya Sanhita and Section 3(1)(zz)(iv), 30(2)(a), 27(3)(e) and 26(2)(iv) and 26(1) of the Food Safety and Standards Act, 2006.

2. The applicant is apprehending arrest at the hands of police as crime is registered, on the basis of report lodged by Rajesh B. Yadav, Food Inspector, alleging that he received the information regarding selling of contraband i.e. scented nuts and scented tobacco. Therefore, he conducted the raid and the applicant was found in possession and transporting the said contraband. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as the custodial interrogation is concerned, which is not required, as the entire stock is seized. He submitted that merely on suspicion the crime is registered against the present applicant. The applicant has already co-operated with the investigating agency, in view of that, the interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that the prohibited contraband articles are found in possession of the present applicant, in view of that, prayer for grant of anticipatory bail deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR, from which it reveals that the entire contraband articles are already seized. The Investigating Officer has also recorded the statements of the relevant witnesses. As far as the interrogation part is concerned, and the purpose for which the custodial interrogation is required, is no more in existence. At this stage, the custodial interrogation of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(a) The application is allowed.

(b) The interim protection granted to the present applicant by order dated 08.08.2024 is hereby confirmed with a condition that the applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate with the investigating agency.

(c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)