



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

CRIMINAL APPLICATION (ABA) NO.811 OF 2024

Atul s/o Shankar Kekatpure

Vs.

State of Maharashtra, Through Police Station Officer, Sawner,
District Nagpur

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

Court's or Judge's orders

Mr. A. G. Hunge, Counsel for the applicant.
Mr. K. R. Lule, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/12/2024

1. Present application is for grant of anticipatory bail in connection with Crime No. 1060/2024 registered with Police Station Sawner, District Nagpur for the offences punishable under Sections 123, 223, 274, 275 of the Bharatiya Nyaya Sanhita read with Section 26(1), 26(2)(iv), 27(3)(e), 30(2)(a), 3(1)(zz)(iv) and 59 of the Food Safety and Standards Act, 2006.

2. Heard learned Counsel for the applicant, who submitted that the involvement of the present applicant is on the basis of statement of the co-accused, who was caught by the Police Officer carrying the contraband articles like Gutkha, Pan Masala, scented tobacco, scented nuts, and other articles worth Rs.1,25,764/-. He submitted that as far as the present applicant is concerned, who is

resident of Madhya Pradesh (M.P.), wherein the said contraband articles are not banned. Thus, as far as the application of these Sections in Maharashtra is concerned, which are not applicable to the present applicant. The involvement of the present applicant is merely on the basis of the statement of the co-accused and now the entire contraband articles are already seized. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

3. Learned APP strongly opposed the said application and submitted that considering the huge contraband articles found in his possession, the prayer for grant of anticipatory bail deserves to be rejected.

4. After hearing both sides and on perusal of the investigation papers, it reveals that the involvement of the present applicant is only on the basis of the statement of the co-accused. Moreover, the applicant is resident of Madhya Pradesh (M.P.), wherein selling of the contraband articles are not banned. Considering all these aspects, the interim protection granted to the present applicant by order dated 27.11.2024 is hereby confirmed on condition that the applicant shall attend the concerned Police Station as and when required for the investigation purpose and he shall not induce, threat or promise

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any witnesses who are acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate