



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

CRIMINAL APPLICATION (ABA) NO.809 OF 2023

Sanjay Raghuram Mhatarmare

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Manora,
District Washim

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

Court's or Judge's orders

Mr. Anil Mardikar, Senior Advocate a/b Mr. J. B. Gandhi, Advocate for applicant.
Mr. Nikhil Joshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/01/2024

1. The applicant apprehending his arrest at the hands of police in connection with Crime No.780/2023 registered with Police Station, Manora, District Washim for the offence punishable under Sections 420, 468, 471, 274, 275 read with Section 34 of the Indian Penal Code. The applicant approached this Court for grant of anticipatory bail.

2. The accusation against the present applicant on the basis of report lodged by Manish Vishwasrao Gotmale working as a Drug Inspector at Washim, who has alleged that on 16.06.2023, he had conducted the inspection of the medical store of the applicant and during inspection the banned injections were found in the shop. The bills of the said injections were demanded which are not produced by the present applicant,

therefore, show cause notice was issued to the present applicant. It is further alleged that the said injections were sent to the Forensic Laboratory for further examination and the report of the injections were received which suggests that the said medicines are not as per the IP requirements.

3. Heard learned Senior Counsel for the applicant. He submitted that already the entire stock is seized and the licence of the present applicant which was suspended earlier. Now, the suspension is also revoked. As far as the custodial interrogation is concerned, which is also not required. For interrogation purpose the applicant is ready to cooperate 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 application on the ground that the interrogation requires to be carried out with the present applicant to ascertain from which place he has obtained the said injections and prays for rejection of the application.

5. After hearing the learned Senior Counsel for the applicant and learned APP for the State. Perused the FIR and the relevant documents. Admittedly, the licence of the present applicant which was already suspended is revoked. The stock is already seized by the police. As far

as the interrogation is concerned, the condition can be imposed on the present applicant to cooperate with the investigating agency. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest the applicant **Sanjay Raghuram Mhatarmare** in connection with Crime No. 780/2023 registered with Police Station, Manora, District Washim for the offence punishable under Section 420, 468, 471, 274 and 275 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing PR bond in the sum of Rs.20,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station as and when required by the investigating agency for the investigation purpose.
- (iv) The applicant shall furnish his cell phone number and address with the address proof, before the Investigating Officer.
- (v) The Investigating Officer shall issue notice in advance, directing the applicant to attend the Police Station and the applicant shall accordingly attend the Police Station and cooperate with the investigating agency.

(vi) The applicant shall not directly or indirectly make any inducement and threat or promise to any persons acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)