

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 3581 OF 2023

Mhantesh Basavraj Bhavi Applicant

Versus

The State of Maharashtra Respondent

Mr. Sumit Kothari, for the Applicant.

Ms. Ranjana D. Humane, APP, for the Respondent – State.

Mr. Badangar, Police Constable, No.1286, Police Station, Akkalkot,
Solapur – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 24th FEBRUARY, 2025.

P.C. :

1. Applicant apprehends arrest in C.R. No.460 of 2023 registered with Akkalkot North Police Station, Akkalkot for the offences punishable under Sections 328, 188, 272 and 273 of the Indian Penal Code, 1860 (for short (IPC”) and Sections 26(2)(i), 26(2)(v), 26(2)(ii), 27(3)(e) and Section 59 of the Food Safety and Standards Act, 2006.

2. It is prosecution’s case that on 29th August 2023, the police

intercepted one car. During the search of the said car, prohibited Pan Masala and Gutkha worth approximately Rs.2,28,750/- were found. The police have arrested two co-accused persons on the spot. It is alleged that the Applicant had provided said Gutkha.

3. It is contention of learned counsel for the Applicant that at the time of incident the Applicant was not present. It is alleged that Applicant had provided the said contraband to the co-accused. The Applicant has co-operated in the investigation. The Applicant has no antecedents. Learned counsel further submitted that Applicant is resident of Karnatka, where there is no ban on the Gutkha. The Applicant is on interim relief for more than one year. Hence, requested to allow the Application.

4. It is contention of learned APP, that Applicant is the main culprit. He has provided the Gutkha to the co-accused. The Applicant has not co-operated in the investigation. Considering the allegations against the Applicant, his custodial interrogation is required, and requested to reject the application.

5. I have heard both learned counsel. Perused FIR and documents produced on record.

6. The allegations against the Applicant are that he had

provided the Gutkha to the co-accused. The Applicant is on interim relief for more than one year and has co-operated in the investigation. Whether the Applicant had provided Gutkha to the co-accused or not is part of the trial. Considering these facts, his custodial interrogation is not required, and I pass following order:-

ORDER

- i. Application is allowed.
 - ii. The order dated 21st December, 2023 passed by this Court (Coram: N. J. Jamadar, J.), is hereby confirmed.
 - ii. The Applicant shall attend the concerned police station as and when required.
7. In view of the above, the application stands disposed of.

(SHIVKUMAR DIGE, J.)