

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 3609 OF 2023

Amit Rajaram Phase Applicant

Versus

The State of Maharashtra Respondent

Mr. Aniket Nikam a/w Mr. Amit Icham, Mr. Sumit Patil and Ms. Abhilasha Pawar, for the Applicant.

Mr. Kiran C. Shinde, APP, for the Respondent – State.

Mr. Pravin Shinde, Kundal Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th FEBRUARY, 2025.

P.C. :

1. By this application, the Applicant apprehends arrest in C.R. No.156 of 2023 registered with Kundal Police Station, Sangli, for the offence punishable under Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”) and Section 59 of the Food and Safety Standard Act 2006.

2. It is prosecution’s case that on 30th November 2023, Food Safety Officer visited the place of the accused, who was selling

scented Pan masala, Gutkha, Mava. The co-accused told the name of the present Applicant and stated that he was supplying the alleged articles to pan stall owners.

3. It is contention of learned counsel for the Applicant that, at the time of the incident, the Applicant was not present. The police have seized Gutkha based on the statement of the co-accused, and the Applicant's name is not mentioned in the FIR. Interim protection has been granted in favour of the Applicant since 22nd December, 2023. The Applicant has no antecedent and his custodial interrogation is not required. Hence, requested to allow the application.

4. Learned APP strongly objected to allow the application on the ground that the police have seized the Gutkha from the co-accused, which was allegedly supplied by the Applicant. It is further stated that the Applicant has supplied Gutkha to other pan stall owners. To ascertain the source of the Gutkha, custodial interrogation of the Applicant is required. Hence, requested to reject the application.

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

6. The allegations against the Applicant are that he supplied

Gutkha to the co-accused. Interim protection is operating in his favour since 22nd December, 2023. He has co-operated with the investigation and has no criminal antecedent. Considering these facts, his custodial interrogation is not required.

7. In view of above, I pass following order:-

ORDER

- i. Application is allowed
- ii. The order dated 22nd December, 2023 passed by this Court (Coram: N. J. Jamadar, J) is hereby confirmed.
- iii. The application stands disposed of.

(SHIVKUMAR DIGE, J.)