

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1816 OF 2025

Sachin Arun Phalke

... Applicant

V/s.

The State of Maharashtra

... Respondent

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Mr. Tushar N. Sonawane a/w Ms. Pooja Satpute for the
Applicant.

Mr. P. H. Gaikwad, APP for the State.

Mr. Nilesh Gaikwad, PSI, Karkambh Police Station,
Solapur Gramin.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16th JUNE, 2025

P.C.:

1. Mr. Tushar Sonawane, learned Advocate for the Applicant submits that no case is made out under Section 123 of the Bharatiya Nyaya Sanhita, BNS (earlier Section 328 of the IPC), as such the detention of the Applicant is not warranted. He submits that the Applicant cannot be made to face two offences, one under the BNS and other under the Food Safety and Standards Act, 2006. In support of the said contentions, he relies on the decision of the Hon'ble Supreme Court in the Case of Ram Nath Vs. State of Uttar Pradesh and Ors.¹ and in the case of Joseph Kurian Vs. State of Kerala².

¹ 2024 3 SCC 502

² 1994 6 SCC 535

2. Mr. P. H. Gaikwad, learned APP for the State, submits that he requires time to prepare in the matter to deal with the contentions raised by the Applicant and to take instructions from the Investigation Officer, as such prays for a weeks time. Not objected by the learned Advocate for the Applicant.

3. At the request of the learned APP, list the matter on **25th June, 2025.**

(ASHWIN D. BHOBE. J.)