

Nikita

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

(SR. NO.76) BAIL APPLICATION NO.2478 OF 2025

Amol Dada Hawaldar ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

BAIL APPLICATION NO.1816 OF 2025

Sachin Arun Phalke ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

(SR. NO.85) BAIL APPLICATION NO.2799 OF 2025

Aniket Baban Korake ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Ashok Kawade i/b Mr. Abdul Quadir Auti for the
Applicant in BA/2478/2025.

Mr. Tushar Sonawane for the Applicant in
BA/1816/2025.

Mr. Kuldeep Nikam a/w Mr. Om Latapate, for the
Applicant in BA/2799/2025.

Ms. Anamika Malhotra, APP for the State in
BA/2478/2025.

Ms. M. H. Mhatre, APP for the State in BA/2799/2025.

Mr. P. H. Gaikwad, APP for the State in BA/1816/2025.

CORAM : ASHWIN D. BHOBE, J.

DATED : 7th AUGUST, 2025

P.C.:

1. Heard Mr. Ashok Kawade, learned Advocate for the Applicant in Bail Application No.2478 of 2025. Mr. Tushar Sonawane, learned Advocate for the Applicant in Bail Application No.1816 of 2025. Mr. Kuldeep Nikam, learned Advocate for the Applicant in Bail Application No.2799 of 2025, Ms. Anamika Malhotra, learned APP for the State in Bail Application No.2478 of 2025. Ms. M. H. Mhatre, learned APP for the State in Bail Application No.2799 of 2025 and Mr. P. H. Gaikwad, learned APP for the State in Bail Application No.1816 of 2025.

2. Applicants, by the present application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, are seeking bail in connection with C. R. No.50 of 2025 registered with Karkamb Police Station, Solapur, for the offences punishable under Sections 123, 274, 275, 3(5) of B. N. S. and under Section 3(1)(a), 3(1)(zz)(v), 26(1), 26(2)(1), 26(2)(v), 27(1) punishable under Section 59 of the Food Safety and Standards Act, 2006.

3. Learned Advocates for the Applicants state that the C. R. No.50 of 2025 is registered as Sessions Case No.48 of 2025 and is pending before the Additional Sessions Judge, Pandharpur.

4. C. R. No.50 of 2025 was registered at the instance of Mr. Umesh Subhash Bhuse (Complainant), working as Food Safety Officer in the Office of Food and Drugs Administration. Case of the prosecution is that information about milk adulteration activity in a Tin shed (said premises) at village Bhoose, Taluka Pandharpur, was shared with the Complainant. Complainant, Assistant

Commissioner (Food), independent witness and police conducted a raid on the said premises. At the time of raid, two persons fled from the said premises whereas one person with a vehicle identified himself as Sachin Arun Fadake. Said premises are owned by Dattatray Mahadeo Jadhav (Accused No. 1) along with his wife. Accused No. 1 is involved in milk adulteration activity, operated from the said premises. Various articles were seized from the said premises.

5. Accused No.2 was arrested on 21.02.2025. Bail Application No.167 of 2025 filed by Accused No.2 was rejected by the Additional Sessions Judge, Pandharpur by order dated 04.04.2025.

6. Accused No.3 was arrested on 07.04.2025. Bail Application filed the Accused No.3 was rejected by the Additional Sessions Judge Pandharpur by order dated 24.06.2025.

7. Bail Application No.277 of 2025 filed by Accused No.6 was rejected by the Additional Sessions Judge, Pandharpur by order dated 21.05.2025.

8. Mr. Ashok Kawade, Mr. Tushar Sonawane, and Mr. Kuldeep Nikam, learned Advocates for the Applicants in the abovesaid Bail Applications, submit that the Applicants are not involved in the offences charged in C.R. No.50 of 2025. They submit that the allegation in the crime is of alleged adulteration of the milk, which allegations are against Accused No.1. They submit that there is no material placed on record to indicate the Applicants being involved in milk adulteration activity. They submit that the material of milk adulteration is against the Accused No.1. They submit that there is

no material on record showing the Applicants having any intentions to cause hurt or intent to commit any offence or any material to show injury being caused.

9. Ms. Anamika Malhotra, Ms. M. H. Mhatre and Mr. P. H. Gaikwad, learned APP's for the State appearing in the Bail Applications, submit that the involvement of the Accused No.2 in the present case is that of a driver of the vehicle, Accused No. 3 is that of the person operating the chilling plant on rent, whereas Accused No. 6 operating chilling plant for a period from August 2024 to December 2024. They submit that the master mind in the crime is Accused No.1.

10. Mr. Gaikwad, learned A.P.P. submits that the Affidavit-in-Reply filed in Bail Application No. 1816 of 2025 refers to the involvement of Dattatray Mahadev Jadhav (Accused No. 1) in the milk adulteration activity as also the various materials/articles seized from the said premises, owned by Accused No. 1.

11. I have perused the record with the assistance of learned Advocates for the parties.

12. Records reveal that Accused No.2 (Sachin Arun Fadake in Bail Application No. 1816 of 2025) was found at the said premises at the time of raid. Accused No.2 was the driver of the vehicle which was carrying empty cans. Accused No.3 (Aniket Baban Korake in Bail Application No. 2799 of 2025) is said to have taken the chilling plant on rent, wherein the milk from the premises of Accused No.1 was transported for further distribution. Accused No.6 (Amol Dada Hawaldar in Bail Application No. 2478 of 2024)

was operating the chilling plant for the period of August, 2024 to December, 2024.

13. Allegations in Crime No. 50 of 2025 are of milk adulteration activity, conducted from the said premises, which are said to be owned by Accused No. 1. Similarly, allegations of milk adulteration activity essentially centers around Accused No. 1 in the said crime.

14. Involvement of Accused Nos. 2, 3 and 6 in Crime No. 50 of 2025 is to the extent as referred to in paragraph no. 12 hereinabove. *Prima facie*, the material on record does not show the complicity of the Applicants in milk adulteration activity.

15. Accused No.8 and Accused No.4, against whom allegations were of supplying skimmed milk powder and supplying whole milk powder are released on bail by this Court by order dated 01.08.2025.

16. Applicants are in jail since 21.02.2025, 07.04.2025 and 09.04.2025, respectively. No material is placed on record by the Respondents to indicate the Applicants fleeing if released on bail or the Applicants evading trial. Applicants would thus be entitled to bail.

17. In view of the above, the present Bail Applications are allowed, on the following conditions:

- a) Applicants are directed to be released on bail in connection with C. R. No.50 of 2025 registered with Karkamb Police Station, Solapur, on their furnishing PR bond in the sum of Rs.25,000/- each with one or two sureties in

the like amount to the satisfaction of Additional Sessions Judge, Pandharpur.

b) Applicants shall attend and regularly appear before the Additional Sessions Judge, Pandharpur in Sessions Case No.48 of 2025 on each date of hearing, and shall attend the trial in Sessions Case No.48 of 2025 as and when summoned by the Court having jurisdiction.

c) Applicants shall report to the Investigation Officer, Karkamb Police Station, Solapur on the first Saturday of each month from 10.00 am to 12.00 noon till the framing of charge in Sessions Case No.48 of 2025.

d) Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade such person from disclosing the facts to the Court or any police officer and shall not tamper with evidence.

e) Applicants upon their release, within 3 days shall furnish to the Investigation Officer, Karkamb Police Station, Solapur their residential address with proof and the contact number and to keep the Investigation Officer intimated about the change in the same from time to time.

18. Bail Application No.2478 of 2025, Bail Application No.1816 of 2025 and Bail Application No.2799 of 2025 are disposed of in the above said terms.

(ASHWIN D. BHOBE. J.)