



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

CRIMINAL APPLICATION (ABA) NO. 201 OF 2025

Mangesh s/o Sureshrao Totalwar Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.A. Mohta, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 314/2025 registered with Police Station Hinganghat, District Wardha for the offences punishable under Sections 223, 274, 275, 123 of the Bharatiya Nyaya Sanhita, 2023 along with Section 26(2)(iv) and 59 of the Food Safety and Standard Act, 2006, the applicant approached this Court for grant of pre-arrest bail.

2. The learned counsel for the applicant submitted that the applicant is arraigned as an accused, and his shop was intercepted by the investigating agency, and contraband articles were seized from the shop. On the basis of the said report, police have registered the crime against the present applicant. However, as the applicant was declared unfit in the hospital, notice was given to him under Section 35(3) of the Bharatiya Nagarik Suraksha

Sanhita, 2023, and therefore, the applicant approached this Court for grant of anticipatory bail.

3. He submitted that as the entire contraband article had already been seized, his custodial interrogation is not required, in view of that, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering the huge contraband articles are seized at the instance of the present applicant, in view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the entire contraband articles are already seized. As far as custodial interrogation is concerned, which is not required, in view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The interim protection granted to the present applicant by order dated 25/03/2025 is hereby confirmed.
- c] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. till filing

of the charge-sheet and shall cooperate with the investigating agency.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]