

Order below Exh. 1 in Bail Application No. 48 of 2019 (Prakash Kambali Vs. State)
(CNR No. MHSI-01-000392-2019)
(Passed on this 25th March, 2019)

Perused the application and reply (Exh. 6) filed by the prosecution.
Heard both the sides.

2. This is an application filed by the applicant for releasing him on bail in Crime No. 41/2019 registered with Kudal police station for an offences punishable under Section 188, 272, 273, 328 of I.P.C. and Section 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e) and 30(2)(a) of Food Safety and Standard Act, 2006.

3. It is the case of prosecution that, on 16/3/2019 first informant visited the house of applicant, took house search and applicant was found in possession of prohibited tobacco, Gutkha and various panmasala of worth Rs. 92,850/-. The alleged contraband articles were seized. On the basis of complaint made by Mrs. Priyanka Namdeo Waikar, Food Inspector, first informant, aforesaid offence came to be registered against the applicant in Kudal police station.

4. The applicant came to be arrested in connection with the aforesaid offence on the same day and he was remanded to police custody for one day. However, due to suffering of chest pain and high blood pressure, applicant was admitted in Civil Hospital.

5. According to applicant, he committed no such alleged offence and came to be involved falsely in the said offence on suspicion. He has no past criminal record and nothing incriminating material is to be seized from him. He is aged about 60 years and suffering from high blood pressure and hypertension. Therefore, detaining him further behind the bar will be of no use. Thus, he submitted that he be released on any such stringent terms and conditions.

6. On the other hand learned PP has opposed the application on apprehension and contended that possibility of the applicant again indulge in the similar types of offence cannot be ruled out, if he is released on bail. Thus, learned PP submitted that the application be rejected.

7. It reveals from record that during house search, applicant was found in possession of contraband goods of worth Rs. 92,850/- which came to be seized and on the same day he came to be arrested in connection with the aforesaid

offence.

8. Since this is the matter for grant of bail, at this stage, it is not necessary to go in detail to examine the prosecution case touching to its merits.

9. Applicant is aged about 60 years and since the moment of his arrest he was complaining chest pain and high blood pressure as well as hypertension therefore, he was admitted in the hospital. Applicant is having fixed place of residence and he has no past criminal record. Nothing incriminating material is left to be seized at his instance. Therefore, his further detention will not be justified.

10. Having regard to the nature of the offence and the apprehension expressed by the prosecution against the applicant, in my humble opinion, imposition of appropriate stringent conditions will serve the purpose of the applicant as well as will properly safeguard the apprehension expressed by the prosecution.

11. Thus, in view of the reasons mentioned above, I am inclined to allow the application and pass the following order.

ORDER

- (i) Application is allowed.
- (ii) Applicant be released on his executing P.B. of Rs. 20,000/- (Rs. Twenty thousand only) with one surety in the like amount.
- (iii) Applicant shall attend police station Kudal, once in a week i.e. on every Thursday in between 10-00 a.m. and 12-00 noon, for one month for the purpose of interrogation by the I.O. and thereafter as and when required by the I.O. till filing of the charge sheet.
- (iv) The applicant shall not directly or indirectly make inducement, threat or promise to any person acquainted, with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (v) Bail Application No. 48/2019 stands disposed of accordingly.

Sd/- xxx

(S. D. Jagmalani)

Date :- 25/03/2019

Sessions Judge, Sindhudurg-Oros