

Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2491 OF 2023

Amar Bhadur Ramkhelwan Saroj @ Nanhe ...Applicant
Versus
The Sr. Police Inspector and Others ...Respondents

Mr. Mateen Shaikh with Mr. M. Shaikh, for Applicant.

Mr. R. M. Pethe, APP for State.

Mr. Santosh Ubale, PSI, Kangao Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 5th SEPTEMBER, 2023

P.C.:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 301 of 2022, registered with Kangao police station, for the offences punishable under Sections 188, 272, 273, 328 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2)(i), 3 (1)(zz)(iv), 26(2)(iv), 30(2) (a), 27(3)(d), 27(3) (e) and 59 of Food Safety and Standard Act, 2006.

3) Sushilkumar Asari, the co-accused No. 1 was apprehended while transporting contraband article - Gutkha Pan Masala and Tobacco. During the course of the investigation, it allegedly transpired that the applicant was one of the persons, who had procured the contraband article.

4) In identical matters, where the applicability of the provisions of Section 328 of Penal Code in a case of transportation of Gutka Pan Masala is under consideration, this court has granted interim protection.

5) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 301 of 2022, registered with Kangao police station, for the offences punishable under Sections 188, 272, 273, 328 read with Section 34 of Indian Penal Code, 1860 and Sections 26(2)(i), 3 (1)(zz)(iv), 26(2)(iv), 30(2)(a), 27(3)(d), 27(3) (e) and 59 of Food Safety and Standard Act, 2006, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

II) The applicant shall co-operate with the investigation and attend Kangao Police Station on every Sunday in between 10.00 am to 12.00 pm till the next date.

III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) The applicant shall not indulge in the identical activity for which he has been arranged in this case.

V) Stand over to 3rd October, 2023.

[N. J. JAMADAR, J.]