

MHCC050064542022



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO.1936 OF 2022  
(C. R. No.431/2022 of Powai Police Station )**

**Mrs. Anitha Devi R,** ]  
Age 36 years, Occ. - , ]  
C/o : Thakur Singh House no.137, ]  
Bajrang Nagar, Ashok Puram Colony, ]  
Dafai, Varanasi, Uttar Pradesh-221011 ] ...Applicant

Versus

State of Maharashtra, ]  
(Through Powai Police Station) ] ...Respondent  
Ld. Adv. Asha Joshi for applicant.  
APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,  
Additional Sessions Judge,  
Court Room No.10.**

**Date : 13<sup>th</sup> January, 2023**

**ORAL ORDER**

1. The present application is filed by the applicants under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.431 of 2022, registered with Powai Police Station for the offences punishable under Sections 18(c), 18(a) (vi), 65(3), 65(9), 27(b)(i), 27(d) of Drugs and Cosmetics Act r/w. 34 of the Indian Penal Code.

**Brief facts of the prosecution case are as under :**

2. It is alleged by the complainant Joseph M. Chirmel, who is inspector in Food and Drug Administration, Mumbai, Zone-6. He has filed the complaint against Vidit Traders i.e. (applicant) who is proprietor of said trader. It is alleged that complainant order **Unwanted Kit** medicine used for abortion without prescription of registered doctor at online Meesho.com. He received the order product on 04.04.2022 and the said kit provide without any prescription of medical practitioner which is illegal. Hence, he lodged the report at Powai police station against Vidit Traders, owner/partner of Vidit Traders and Meesho Online Portal, therefore crime no.431/2022 registered by Powai police station, Mumbai.

3. Advocate of applicant submitted that applicant is housewife. Her husband lost his job during Pandemic. One Mr. Shyam , friend of her husband meet the applicant and offered to sale the medicine through online. Mr. Shyam has valid license to sale medicine and he told that there is no need of license to sale medicine as he has already license holder and he only registered on Meesho to sale medicine. After all registration formality done by Mr. Shyam, applicant and her husband started doing work on Meesho. Applicant is innocent. She has no concerned with this crime. She is falsely implicated in this case. There is no criminal antecedents against applicant. She is ready to abide any condition imposed by this court. Hence, prayed for applicant be released on pre arrest bail.

4. On the other hand Ld. APP has raised strong objection in view of reply at Exh.2 and submitted that it is necessary to investigate as to how many customers cheated at the hands of applicant and

Meesho.com. It is required to be investigate who are the associates of the applicant. If applicant release on pre-arrest bail there is possibility to pressurize the complainant. Applicant selling **Unwanted Kit**, by illegal means, without any prescription which is an offence u/sec.27(b) (i), 27(d) of Drugs and Cosmetics Act. Investigation is at initial stage. Another Mr. Shyam yet to be interrogated and arrested. Hence, prayed for rejection of application.

5. Considering the submission of both the sides and gone through record, it appears that applicant is involved in crime no.431/2022 registered by Powai police station for the offences u/sec.18(c), 18(a)(vi), 65(3), 65(9), 27(b)(i), 27(d) of Drugs and Cosmetics Act r/w. 34 of the Indian Penal Code. It appears that allegations against applicant that she being proprietor of Vidit Traders selling **Unwanted Kit** which is used for abortion. The said kit selling without prescription of medical practitioner through Meesho.com. Therefore, the said act is illegal. It is further submitted that investigation is at initial stage and it is in progress. The offence is punishable u/sec.27(b)(ii) of Drugs and Cosmetics Act i.e. not less than 3 years which may extend to 5 years. Offences are cognizable and non-bailable. There is possibility of involvement of other co-accused in this crime. Therefore, detailed investigation is required. The accusation against the accused and nature of the crime gives substance for custodial interrogation of the applicant is warranted. If applicant release on pre-arrest bail there is possibility to pressurize the complainant and witnesses or she will try to destroy material evidence. In view of aforesaid facts and circumstances this court is not incline to grant anticipatory bail in favour of applicant. Hence, I proceed to pass

following order.

**ORDER**

Anticipatory Bail Application No.1936 of 2022 filed by the applicant **Mrs. Anitha Devi R** in connection with Crime No. 431/2022, registered at Powai Police Station for the offence punishable under Sections 18(c), 18(a)(vi), 65(3), 65(9), 27(b)(i), 27(d) of Drugs and Cosmetics Act r/w. 34 of the Indian Penal Code is hereby rejected and disposed of accordingly.

Dictated and pronounced in open Court.

**(M.I. LOKWANI)**

Dt. 13/01/2023

Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dictated to steno on : 13/01/2023  
Transcribed by steno on : 13/01/2023  
Checked & Signed by HHJ on : 16/01/2023

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 16/01/2023 AT 12.15 p.m. NAME OF STENOGRAPHER R. A. Monde	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	13/01/2023
JUDGEMENT/ORDER signed by P.O. on	16/01/2023
JUDGEMENT/ORDER uploaded on	16/01/2023