

# Jafar Baig Rauf Baig Mirza vs State Of Maharashtra on 8 December, 2021

**Author: V.G.Bisht**

**Bench: V.G.Bisht**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2913 OF 2021  
Jafar Baig Rauf Baig Mirza ...Applicant

Versus

The State of Maharashtra ...Respondent

.....  
Mr. M. N. Sandhyanshiv for the Applicant.  
Mr. H.J. Dedhia, APP for the Respondent -State.

.....  
CORAM: V.G.BISHT, J.  
DATE: 8TH DECEMBER, 2021

PC:-

1. Heard learned Counsel for the applicant and learned APP.
2. Perused the First Information Report (FIR).
3. It appears that the applicant was found in possession of paan masala and tobacco. However, having regard to the facts and circumstances of the case, prima facie the applicability of Section 328 of the Indian Penal Code appears to be doubtful. The applicant, therefore, has made out a case for ad-interim protection. Hence the following order is passed :

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ORDER

(i) In the event of arrest of the applicant in C.R.No. 978 of 2021 registered with Manmad City Police Station, Manmad, District- Nashik for the offences punishable under Sections 179, 188, 272, 273 and 328 of the Indian Penal Code and Sections 26 (2) (i), 26 (2) (iv), 59 and 27 (2) (e) of Food Safety and Standards Act, 2006, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs. 20,000/- with one or two surety/sureties in like amount.

(ii) The applicant shall make himself available for interrogation by a police officer of concerned police station as and when required.

(iii) The applicant shall not tamper with prosecution evidence.

(iv) Issue notice to the concerned police station, returnable on 13th January, 2022.

(v) This order shall remain in force till the next date.

(V.G.BISHT, J. )