

# Vijay Babasaheb Lembhe vs The Commissioner Of Police And Another on 21 June, 2024

2024:BHC - AUG:11622

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 772 OF 2024

HARSHAL S/O VIJAYKUMAR PATIL

Versus

THE COMMISSIONER OF POLICE AND ANOTHER

Mr. Mohd. Aseem Mohd. A. K., Advocate for the applicant

Mrs. K. R. Jamdhade, APP for the respondent/State

AND

ANTICIPATORY BAIL APPLICATION NO. 733 OF 2024

VIJAY BABASAHEB LAMBHE

Versus

THE COMMISSIONER OF POLICE AND ANOTHER

Mr. A. R. Borulkar, Advocate for the applicant

Mrs. K. R. Jamdhade, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 21st JUNE, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 25/2024 registered with Jinsi Police Station, Dist. Aurangabad for the offences punishable under Sections 328, 273, 188 of IPC, 26(1), 26(2)

(iv), 27(3)(d), 27(3)(e), 30(2)(a), 59 of Food Safety and Standard Act and 7(2) of the Cigarette and other Tobacco Products (Prohibition on Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act.

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2. It is the contention of the learned counsel for the applicants that the name of the applicants does not appear in the first information report to be the persons from whose custody the contraband articles are seized.

3. Learned APP opposed the application by contending that during the course of the investigation name of the applicants have revealed as supplier of the contraband articles and hence, they are not entitled for anticipatory bail. Learned APP informed the Court that the present applicants are found involved in similar crime earlier and they are enlarged on bail.

4. Merely because names of applicants do not appear in First Information Report, they are not entitled to get protection from arrest. During investigation their involvement is seen in this crime. Applicants are on bail in similar offence earlier and which makes it clear that the applicants are misusing the liberty granted by the Court and taking disadvantage of the same to commit further crimes. Only for this reason applicants are not entitled for any protection from arrest. Hence, applications stand dismissed.

(R. M. JOSHI, J.) ssp

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