

Nisar Hasan Chougule vs State Of Maharashtra on 7 October, 2023

Author: N. J. Jamadar

Bench: N. J. Jamadar

902-ABA-2798-23.DOC

Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2798 OF 2023

Nisar Hasan Chougule ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Shaikh Asif Ali i/b A. A. Siddhiquie and Associates, for Applicant.

Mrs. Ashwini A. Takalkar, APP for State.

Mr. V. S. Waigankar, PSI, Roha Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 7th OCTOBER, 2023

PC:-

- 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. 136 of 2023, registered with Roha police station, for the offences punishable under Sections 328 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2)(i), 26(2)(iv), 27(3)(d), 27(3) (e) and 59 of Food Safety and Standard Act, 2006.

1/3

902-ABA-2798-23.DOC

3) On 19th August, 2023 at about 5.05 am near Varse Stop, the co-accused - Dilip Palange, was found in possession of contraband articles - Gutka Pan Masala. The prosecution alleges that it transpired that the accused No. 1 had purchased the contraband articles from the applicant.

4) In the matters involving allegations of identical nature wherein the applicability of the provisions contained in Section 328 of Penal Code is debatable, this Court has granted interim protection while directing the accused to join in the investigation.

5) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with C.R. No. 136 of 2023, registered with Roha police station, for the offences punishable under Sections 328 read with Section 34 of Indian Penal Code, 1860 and Sections 26(2)(i), 26(2)(iv), 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 Roha Police Station on 16th, 17th and 18th 902-ABA-2798-23.DOC October, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by Investigating Officer. 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 arraigned in this case.

V) Stand over to 31st October, 2023.

[N. J. JAMADAR, J.]

Signed by: Sayali D Upasani
Designation: PA To Honourable Judge
Date: 09/10/2023 18:40:19

3/3