

Khalid Hamid Hatture vs The State Of Maharashtra on 7 December, 2021

Author: V. G. Bisht

Bench: V. G. Bisht

02-aba-2761-2021.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2761 OF 2021

Khalid Hamid Hatture	...	Applica
Versus		
The State of Maharashtra	...	Respond

Mr. Rahul B. Vijaymane, for the Applicant.
Mr. Amit A. Palkar, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.
DATE : 7th December, 2021.

PC:

The praecipe has been moved for the speaking to the minutes
order dated 23rd November, 2021.

2 It seems that vide order dated 23 rd November, 2021, this Co
continued the interim order granted earlier believing that there wa
interim relief in favour of the applicant, however, it is not so. T
the said order be corrected as under:

" Heard.

Stand over to 17th December, 2021."

Digitally
signed by
REKHA
REKHA PRAKASH

PRAKASH PATIL

PATIL Date:

2021.12.07

16:44:41

Rekha Patil

+0530

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3 The present application has been moved by the applicant under Section 438 of the Code of Criminal Procedure apprehending arrest under Sections 188, 272, 273, 328 read with 34 of the Indian Penal Code and Sections 26(2)(i), 26(2)(iv), 27(e) and Sec. 59 of the Food Safety and Standards Act, 2006 registered vide C.R. No. 804 of 2021 with Solapur Police Station, District-Solapur.

4 Heard learned Counsel for the applicant and learned APP.

5 It appears that the applicant was found in possession Gutka,/Mava/Essence Tobacco/Essence Supari. However, having regard to the facts and circumstances of the case, prima facie applicability of Section 328 of the IPC appears to be doubtful. The applicant therefore has made out a case for ad-interim protection. Hence, the following order is passed as an ad-interim measure:

ORDER

(i) In the event of arrest of the applicant Khalid Hamid Hatture in C.R. No. 804 of 2021 registered with Solapur Taluka Police Station, Solapur for the offences punishable under Sections 188, 272, 273, 328 read with 34 of the Indian Penal Code and Sections 26(2)(i), 26(2)(iv), 27(e) and Sec. 59 of the Food Safety and Standards Act, 2006, he be enlarged on bail on his furnishing PR and SB in the sum of Rs.20,000/-

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

(iii) Issue notice to the concerned police station, returnable on 11th January, 2022.

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

(V. G. BISHT, J.)