

Shaikh Israr Ahmad Niyaz Ahmad vs The State Of Maharashtra on 16 October, 2023

Author: N. J. Jamadar

Bench: N. J. Jamadar

10-ABA2879-2023.DOC

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2879 OF 2023

Shaikh Israr Ahmad Niyaz Ahmad	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Tushar Sonawane, a/w Pooja Satpute, for the Applicant.
Mr. M. G. Patil, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 16th OCTOBER, 2023

PC: -

1. Heard the learned Counsel for the parties.

2. This is an application for pre-arrest bail in connection with CR No.204 of 2023, registered with Shrinagar Police Station, Thane, for the offences punishable under Sections 328, 188, 272 and 273 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Section 26(2)(i), 3(1)(zz)(iv), 59, 26(2)(iv), 30(2)(a), 27(3)(d) and 27(3)(e) of the Food Safety and Standards Act, 2006.

3. The applicant apprehends arrest in connection with the aforesaid crime as the co-accused in whose possession the contraband articles - Gutakha Pan masala, has been seized, has named the applicant as the person privy to the offences.

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4. In identical matter, this Court has granted interim relief and posted the matters for consideration on 31 st October, 2023 as the question of applicability of Section 328 of the Penal Code in a case of

the present nature awaits decision of the Supreme Court.

5. In view of the above, in the event of arrest of the applicant in CR No.204 of 2023, registered with Shrinagar Police Station, Thane, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

6. The applicant shall cooperate with the investigation and report to the Investigating Officer as and when directed.

7. The applicant shall not tamper with the prosecution evidence and give threat or inducement to the first informant and any person acquainted with the facts of the case.

8. Stand over to 31st October, 2023.

[N. J. JAM

Signed by: Santosh S. Kulkarni
Designation: PA To Honourable Judge
Date: 17/10/2023 11:21:35

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