

# Sayyad Jamir Sayyed Isak vs The State Of Maharashtra on 6 October, 2022

**Author: S. G. Mehare**

**Bench: S. G. Mehare**

910-ABA-1333-22

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1333 OF 2022

SAYYAD JAMIR SAYYED ISAK  
VERSUS  
THE STATE OF MAHARASHTRA

Mr. S. S. Gangakhedkar, Advocate for applicant;  
Mr. V. M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 6th October, 2022 P.C.

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent, returnable on 13.10.2022.
3. The learned APP waives service of notice for the respondent.
4. The applicant claims that he has been named by co-accused No.2. He was not present on the spot of the incident. He has no concern with so-called seized Gutka. In any case, Section 328 of the Indian Penal Code would not attract. The said issue has been seized with the Honourable Supreme Court and the persons approached the Honourable Supreme Court have been granted interim protection. The applicant has been implicated in the crime being the uncle of accused No.2 Shaikh Mohsin. That apart, nothing is to be recovered from the applicant.

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5. The issue as regards the applicability of Section 328 of the Indian Penal Code in Gutka cases is seized with the Honourable Supreme Court and the persons approached the Honourable Supreme Court have been granted interim protection. Besides this legal position, it appears that the applicant

was not present on the spot of the incident. The so-called Gutka has been seized from the spot of the incident itself. In view of these facts, the applicant has a good case for interim protection. Hence, the following order :-

In the event of arrest, applicant Sayyad Jamir s/o. Sayyed Isak, be released on interim bail, on furnishing PB and SB of Rs.20,000/- with one solvent surety of the like amount, in C.R.No.0377 of 2022 registered with Basmath Police Station, District Hingoli, for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code and Section 26(2)(i), 26(2)(iv), 27(3)(d), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

(S. G. MEHARE, J.) amj