

Kadar Gaffar Musani vs State Of Mah. Thr. Pso Ps Kalamb Tq. ... on 13 October, 2021

Author: Vinay Joshi

Bench: V. G. Joshi

Order

1

1310aba

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 633 OF 2021.

Kadar Gaffar Musani

-Versus-

State of Maharashtra, through P.O. Kalamb, District Yavatmal.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's

Shri S.A. Mohta, Advocate for the Applicant.
Shri M. Khan, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : OCTOBER 13, 2021 Heard.

2. The learned Counsel for the applicant has today tendered some bail orders passed by the coordinate Bench relating to applicability of Section 328 of the Indian Penal Code in like cases.

3. It is within the knowledge of learned counsel appearing for both the parties, that there are contradictory views expressed by different Division Benches on the subject and the matter is pending before the Hon'ble Supreme Court.

4. In view of that, for adjudicating the matter, it is necessary to go through all the judgments which Order 1310aba633.21 both the sides undertakes to place.

5. Having regard to said fact, only with a view to save this application from becoming infructuous, following interim order is passed.

(i) In the event of arrest of the applicant/accused

- Kadar Gaffar Musani in connection with Crime No.446/2021 registered with the non-

applicant Kalamb Police Station, District Yavatmal for offence punishable under Sections 188, 269, 270, 272, 273, 328 of the Indian Penal Code, Sections 26[2][i], 27[2] [e], 30[2][a] and 59 of Food Safety and Standards Act, he be released on interim bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(ii) The applicant/accused shall attend the concerned Police Station on 17th, 20th and 23rd October, 2021 in between 12 noon to 2 p.m. to facilitate the process of investigation.

(iii) The applicant/accused shall not tamper with the prosecution evidence in any manner.

(iv) This interim order will remain in force till next date. List the matter for further consideration on 28.10.2021.

JUDGE Rgd.