

Mr. Mehmooda S/O Mr Rehmat vs State Of Rajasthan (2024:Rj-Jp:9523) on 26 February, 2024

Author: Anil Kumar Upman

Bench: Anil Kumar Upman

[2024:RJ-JP:9523]

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Second Bail Application No. 2169/2024

1. Mr. Mehmooda S/o Mr Rehmat, Aged About 43 Years, R/o Village Khedawas Kaithwara Police Station Kaithwara, District Bharatpur, Rajasthan.
2. Mr. Hamid Ahmed S/o Mr Rehmat, Aged About 40 Years, R/o Village Khedawas Kaithwara Police Station Kaithwara, District Bharatpur, Rajasthan.

----Petitioners

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Rajeev Surana, Sr. Adv. with Mr. Jagesh Joshi Mr. Sankalp Sogani Mr. Umang Jain Ms. Muskan Verma For Respondent(s) : Mr. S.K. Mahala, PP HON'BLE MR. JUSTICE ANIL KUMAR UPMAN Order 26/02/2024

1. This second pre-arrest bail application has been filed under Section 438 Cr.P.C. on behalf of the petitioners, who are having apprehension of their arrest in connection with FIR No.225/2023 registered at Police Station Kaithwada, District Deeg, Bharatpur for the offences under Sections 420, 270, 272 & 308 of IPC and Section 48 of the Food Safety and Standards Act, 2006.

2. Learned counsel for the petitioners submit that accused- petitioners have falsely been implicated in this case. It is further submits that petitioners have nothing to do with the alleged offences. It is further submitted that FIR No.225/2023 has been [2024:RJ-JP:9523] (2 of 3) [CRLMB-2169/2024] registered under Sections 420, 270, 272 & 308 of IPC and Section 48 of the Food Safety and Standards Act, 2006. It is contended that the instant FIR has been registered without any authority and without following necessary procedure of law. It is further contended that petitioners are businessmen and are not hard core criminals. Hence, the petitioners deserve to be granted bail on the facts and circumstances of the case. Learned counsel has placed reliance upon the following judgments:-

(i) Pepsico India Holdings (Pvt) Ltd. And Ors. Vs. State of U.P. and Ors, 2010 SCC Online All 1708.

(ii) Silver Drop Foods and Beverages Pvt. Ltd. Vs. State of Assam, MANU/GH/0402/2019.

(iii) Laborate Pharmaceuticals India Ltd. And Ors. Vs. State of Tamil Nadu, (2018) 15 SCC 93.

(iv) Prahlad Raghuvanshi and Ors. Vs. State of M.P., MANU/MP/0492/2013.

3. Learned Public Prosecutor opposes the bail application and he craves for dismissal of the bail application.

4. First anticipatory bail application of the petitioners was considered on 12.01.2024 and after hearing arguments advanced by learned counsel for the petitioners, learned counsel for the petitioners sought permission to withdraw the bail application and same was dismissed as not pressed. Now, this second bail application has been filed for the same relief, which was not granted in earlier bail application. After rejection of first bail application, except change of counsel, no other change in [2024:RJ-JP:9523] (3 of 3) [CRLMB-2169/2024] circumstances has occasioned, therefore, I am not inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the anticipatory bail application is dismissed.

(ANIL KUMAR UPMAN),J CHARU SONI /42 Powered by TCPDF (www.tcpdf.org)