

Sayyed Aamer Sayyed Khamar vs The State Of Maharashtra And Another on 25 August, 2022

Author: S. G. Mehare

Bench: S. G. Mehare

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903-ABA-1126-22.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1126 OF 2022

SAYYED AAMER SAYYED KHAMAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. R. R. Shaikh
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 25-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent, returnable on 14.09.2022.
3. The learned APP waives service of notice for the respondent/State.
4. It has been argued by the learned counsel for the applicant that Section 328 of the Indian Penal Code would not attract in the case of Gutka. False allegations have been levelled against the applicant. It is also argued that the issue of applicability of Section 328 of the Indian Penal Code in Gutka cases is seized with the Honourable Supreme Court. In view thereof, the applicant may be granted interim protection.

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5. There are contradictory views of this Court on the issue of applicability of Section 328 of the IPC in the cases of Gutka. The issue is seized with the Hon'ble Supreme Court. The Hon'ble Supreme Court granted interim protection. Hence, applicant is entitled to interim protection.

In the event of arrest, applicant Sayyed Aamer Sayyed Khamar be released on interim bail, on furnishing PB and SB of Rs.20,000/- with one solvent surety of like amount, in C.R. No. 0248 of 2021, registered with Himayatnagar Police Station, Taluka Himayatnagar, District Nanded, for the offence punishable under Sections 26(2), 27, 30(2)(a), 59(iv) of the Food Safety and Standards Act, 2006 and Sections 188, 272, 273, 328 of the Indian Penal Code.

(S. G. MEHARE) JUDGE rrd