

Jamshedbee W/O.Rashid ... vs The State Of Maharashtra on 5 April, 2021

Author: Mangesh S. Patil

Bench: Mangesh S. Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.137 OF 2021

Jamshedbee w/o Rashid Tamboli (Correct Name)
Jamshid Rashid Tamboli (Name mentioned in FIR)
Age : 36 years, Occu. Household,
R/o Sakinakal, Tunga Village, Pavai,
Mumbai

APPLICANT

VERSUS

The State of Maharashtra,
through Investigation Officer,
Naldurg Police Station,
Tq. Tuljapur, District Osmanabad

RESPONDENT

Mr. Ravindra V. Gore, Advocate for the applicant
Smt. R.P. Gaur, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 05.04.2021 PER COURT :

The applicant is apprehending her arrest in connection with Crime No.207 of 2019, registered with Naldurg Police Station, District Osmanabad for the offences punishable under Sections 26(2)(i), 26(2)(iv), 27(2)(e), 23, 30(2)(a), 27(2), 4, 2, 59(iv) of the Food Safety and Standards Act, 2006 and Sections 188, 272, 273, 328 of the Indian Penal

2 ABA137-2021 Code.

2. It is being alleged that a vehicle, allegedly owned by the applicant, was accosted and huge quantity of gutkha (scented tobacco) was found being transported therein.

3. Heard both the sides.

4. As pointed out by the learned A.P.P., the applicant is a woman, in whose name the vehicle, in which the stock was being transported, stood registered. However, it has been informed by the learned A.P.P. that the husband of the applicant and the driver, who was driving the vehicle at the relevant time, have been arrested and subsequently released on regular bail.

5. In view of the above state-of-affairs, it appears that the applicant is being sought to be implicated for the reason that the vehicle, in which the scented tobacco was being transported, stood registered in her name. It is common knowledge that the vehicles are registered in names of family members but the actual user is someone else. Already the husband of the applicant and the driver have been implicated, arrested and released on bail. Therefore, independent of the fact as to whether Section 328 of the IPC, which is the only non-bailable offence, is sought to be charged against the applicant, in the facts and circumstances, can be said to be made out, she deserves to be granted anticipatory bail.

3 ABA137-2021

6. The application is allowed. The ad-interim relief granted to the applicant by order dated 02.03.2021 stands confirmed with same terms and conditions.

[MANGESH S. PATIL] JUDGE npj/ABA137-2021