

Ashok Kumar Jha vs The State Of Maharashtra on 7 September, 2023

Author: N. J. Jamadar

Bench: N. J. Jamadar

911-aba-2533-202

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2533 OF 2023

Ashok Kumar Jha

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms. Anuj Tiwari a/w. Mr. Rahil Kazi, for the Applicant

Mrs. Sharmila Kaushik, APP, for the Respondent/State.

Mr. V.S. Waghare, PC, Ozar police station present.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 07, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 150 of 2023 registered at Ozar police station for the offences punishable under sections 188, 272, 273, 328 read with 34 of Indian penal Code, 1860 and sections 26(2)(i), 26(2)(iv), 27(3)(d), 3(1)(zz)(iv) and 59 of Food Safety and Standard Act, 2006.

3. Pursuant to an intimation, a tempo bearing No. MP-09-GF-5306 was intercepted and the search revealed that co-accused were transporting contraband articles/Gutkha pan masala. It further

transpired that the applicant's goods were also being transported in the said tempo.

4. The learned counsel for the applicant submits that the Vishal Parekar

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applicant's goods were being transported in an lawful manner and the sale and consumption thereof had not been prohibited.

5. In identical matters wherein the applicability of the provisions contained in section 328 of the Indian Penal Code, 1860, in a situation of this nature where Gutkha is being found in possession or transported, this Court has granted interim protection.

Hence, the following order.

ORDER

1] In the event of arrest in C.R. No. 150 of 2023 registered with Ozar police station, the applicant Ashok Kumar Jha be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

2] The applicant shall cooperate with the investigation and attend Ozar police station, on every alternate Sunday in between 10 am to 12 noon till the next date.

3] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or the persons acquainted with the facts of the case.

Stand over to 12th October, 2023.

Vishal Parekar

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