

Sheikh Abrar Sheikh Gaffar vs The State Of Maharashtra on 27 May, 2022

Bench: D.Y. Chandrachud, Bela M. Trivedi

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No 880 of 2022
(Arising out of SLP (Crl) No 4433 of 2022)

Sheikh Abrar Sheikh Gaffar & Anr

....

Versus

State of Maharashtra

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ORDER

1 Leave granted.

2 The appeal arises from an order dated 13 April 2022 of the Sing

Nagpur Bench of the High Court of Judicature at Bombay, rejecting Criminal Application (BA) No 210 of 2022.

3 Crime No 488 of 2021 was registered against the appellants on 20 November 2021 at Police Station Paarva, District Yavatmal for offences punishable under Sections 188, 272, 273 and 328 read with Section 34 of the Indian Penal Code 1860 read with Sections 26 (2) (i), 27(2)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.

4 The appellants were arrested on 20 November 2021. 5 The charge-sheet has been filed on 19 January 2022. Reason:

1 “IPC”

6 Save and except for the offence punishable under Section 328 IPC, the other offences are bailable.

7 Bail has been granted to Accused Nos 3 and 4 in pursuance of an order dated 10 December 2021 of the Sessions Court at Yavatmal in Criminal Bail Application No 415 of 2021.

8 Counsel for the appellants has drawn the attention of the Court to the contents of paragraph 4 of the counter affidavit filed by the State before the High Court, in which it has been clarified that:

“4. The present applicant No. 1 was driving the vehicle and the applicant No.2 was seating in the piloting vehicle i.e. Tata Sumo. Thus, both the applicants were patrolling to transporting vehicle i.e. Bolero, which contained contraband articles by concealing it in vegetables carets.”

9 In the facts and circumstances, we order and direct that the appellants shall be released on bail, subject to such terms and conditions as may be imposed by the Trial Court in connection with Crime No 488 of 2021. 10 The appeal is accordingly disposed of. 11 Pending application, if any, stands disposed of.

.....J. [Dr Dhananjaya Y Chandrachud]
.....J. [Bela M Trivedi] New Delhi;

May 27, 2022

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ITEM NO.24

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s).4433/2022

(Arising out of impugned final judgment and order dated 13-04-2022 in CRLA(BA) No. 210/2022 passed by the High Court of Judicature at Bombay at Nagpur) SHEIKH ABRAR SHEIKH GAFFAR & ANR. Petitioner(s) VERSUS STATE OF MAHARASHTRA Respondent(s) (FOR ADMISSION and I.R. and IA No.69706/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.69708/2022-EXEMPTION FROM FILING O.T.) Date : 27-05-2022 This petition was called on for hearing today. CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MS. JUSTICE BELA M. TRIVEDI For Petitioner(s) Mr. Rohit Anil Rathi, AOR Mr. Shyam Mohta, Adv.

For Respondent(s) Mr. Sachin Patil, AOR Mr. Rahul Chitnis, Adv.

Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.

Ms. Shewtal Shepal, Adv.

UPON hearing the counsel the Court made the following O R D E R 1 Leave granted.

2 In terms of the signed order, we order and direct that the appellants shall be released on bail, subject to such terms and conditions as may be imposed by the Trial Court in connection with Crime No 488 of 2021.

3 The appeal is accordingly disposed of.

11 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I) (SAROJ KUMARI GAUR) DEPUTY REGISTRAR COURT MASTER (Signed order is placed on the file)