

Hasam Nikhu Alias Neku Kha vs The State Of Maharashtra on 6 April, 2023

Author: Anuja Prabhudessai

Bench: Anuja Prabhudessai

2023:BHC-AS:10637

P.H. Jayani

27(A) ABA3233.2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3233 OF 2022

Hasam Nikhu alias Neku Kha

... Appl

v/s.

The State of Maharashtra

.... Res

Mr. Veerdhaval Kakade for the Applicant.

Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.1115/2022 registered with Sangola Police Station, Solapur Rural for offences punishable under sections 188, 272, 273, 328 of the Indian Penal Code and sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), and 30(2)(a) of Food Safety and Standards Act, 2006.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. It is the case of the prosecution that on 25/09/2022, the vehicle bearing No.R.J.19, GC-8007 was intercepted and gutkha, pan masala P.H. Jayani 27(A) ABA3233.2022.doc and scented tobacco which are prohibited items, were seized from the said vehicle. The vehicle is owned by the Applicant and hence, crime came to be registered against the Applicant for committing the aforesaid offences.

4. By order dated 09/12/2022, this Court (Coram : R.N. Laddha, J.) had granted interim protection to the Applicant. Subsequently, by order dated 09/03/2023, this Court had directed the Applicant to join the investigation. Learned APP states that pursuant to the said order, the Applicant has

reported to the Investigating Officer and that he has been investigated. Learned APP, under instructions, states that the presence of the Applicant is not required for the purpose of custodial interrogation.

5. Under the circumstances, interim order dated 09/03/2023 stands confirmed. The Applicant to report to the Investigating Officer on 17th and 18th April, 2023 between 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigating Officer.

6. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)