

Abdul Firoz S/O Abdul Latif vs The State Of Maharashtra on 15 June, 2022

Author: S. G. Mehare

Bench: S. G. Mehare

ABA520.22

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 ANTICIPATORY BAIL APPLICATION NO.520 OF 2022

ABDUL FIROZ S/O. ABDUL LATIF
VERSUS
THE STATE OF MAHARASHTRA

Mr. Rohit R. Kakani, Advocate for applicant;
Ms. V.S. Choudhari, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 15th June, 2022 P.C.

1. By this application under Section 438 of the Code of Criminal Procedure, the applicant seeks his enlargement on bail, in connection with C.R. No.0098/2022, registered with police station, Gangakhed, District Parbhani, for offences punishable under Sections 328, 272, 273 read with Section 34 of the Indian Penal Code and under Section 59 of the Food Safety and Standards Act.

2. In a raid set up by police on 14.03.2022, a Scorpio vehicle in which Gutka was being transported, was stopped. However, the driver of the said vehicle fled away. During the investigation, it is transpired that the applicant was the driver of the said vehicle which was stopped by the police.

ABA520.22

3. The applicant has come with a case that the co-accused has named him.

4. After having gone through the contents of the application, it is noticed that there is no whisper about the accusation of having committed a non-bailable offence. The applicant has not even pleaded what apprehension of arrest he has. The very requirement of Section 438 of the Code of Criminal Procedure is that a person having apprehension of arrest shall state in the application that he has reason to believe that he may be arrested on accusation of having committed a non-bailable offence. The person seeking such anticipatory bail shall disclose the fact or apprehended arrest with some reason having connection with such crime.

5. The applicant even has no case that either he was the driver or not on the vehicle involved in the offence. On the contrary, the application reveals that it is in the form of an appeal against the order passed by the learned Sessions Court. The ingredients to consider an application under Section 438 of the Code of Criminal Procedure are apparently not complied with. The applicant has not given any ABA520.22 reason to believe that he may be arrested on accusation of having committed a non-bailable offence. The applicant himself is not sure whether he is an accused in the crime or not. For want of the requisite information as required under Section 438 of the Code of Criminal Procedure, it would be difficult to consider the present bail application.

6. In the light of what has been stated above, the criminal application stands dismissed, with liberty to file appropriate application.

(S. G. MEHARE, J.) amj