

Sharif Ahmed Shafiq Ahmed Alvi vs The State Of Maharashtra on 10 October, 2023

Author: N. J. Jamadar

Bench: N. J. Jamadar

909-ABA-.2849-23.DOC

Sayali Upasani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2849 OF 2023

Sharif Ahmed Shafiq Ahmed Alvi ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Kushal Mor with mr. Rishab Khot , for Applicant.
Mr. M. G. Patil, APP for State.
Mr. S. D. Ahire, PSI, Rabodi Police Station, present.

CORAM:- N. J. JAMADAR, J.
DATED:- 10th OCTOBER, 2023

PC:-

- 1) Heard the learned counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 175 of 2023, registered with Rabodi police station, Thane, for the offences punishable under Sections 272 and 273 of Indian Penal Code, 1860 ("the Penal Code") and Sections 26(2) (i), 26(2)(iv), 27(3) (e) and 30 (2) (a) of Food Safety and Standard

Act, 2006. Subsequently, the offence punishable under Section 328 of the Penal Code seems to have been added.

3) The contraband articles - Gutka Pan Masala were found to have been stored behind the godown of the applicant's store.

4) In identical matters involving the possession and transportation of the Gutka Pan Masala, as the question of applicability of the provisions contained in Section 328 of the Penal Code appears debatable, this Court has granted interim protection while directing the accused to join in the investigation.

5) Hence, the following order:-

ORDER

I) In the event of arrest of the applicant in connection with 175 of 2023, registered with Rabodi police station, Thane, for the offences punishable under Sections 272 and 273 and 328 of Indian Penal Code, 1860 and Sections 26(2)

(i), 26(2)(iv), 27(3) (e) and 30 (2)(a) of Food Safety and Standard Act, 2006, the applicant be released on bail on executing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

909-ABA-.2849-23.DOC II) The applicant shall co-operate with the investigation and attend Rabodi police station, Thane on 17th, 18th and 19th October, 2023 in between 10.00 am to 1.00 pm and, thereafter, as and when directed by Investigating Officer. III) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

IV) The applicant shall not indulge in the identical activity for which he has been arraigned in this case.

V) Stand over to 31st October, 2023.

Signed by: Sayali D Upasani
Designation: PA To Honourable Judge
Date: 11/10/2023 17:05:54