

# Mr. Mehmooda S/O Mr. Rehmat Khan vs State Of Rajasthan (2024:Rj-Jp:15328) on 2 April, 2024

**Author: Anil Kumar Upman**

**Bench: Anil Kumar Upman**

[2024:RJ-JP:15328]

HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

S.B. Criminal Misc. Third Bail Application No. 3814/2024

1. Mr. Mehmooda S/o Mr. Rehmat Khan, Aged About 41 Years, R/o Village Khedawas Kaithwara Police Station Kaithwara, District Bharatpur.
2. Mr. Hamid Ahmed S/o Mr Rehmat Khan, Aged About 39 Years, R/o Village Khedawas Kaithwara Police Station Kaithwara, District Bharatpur.

----Petitioners

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s) : Mr. Rajeev Surana Sr. Adv. with Mr. Sankalp Sogani Ms. Muskan Verma Mr. Umang Jain Mr. Anuj Rohila For Respondent(s) : Mr. M.K. Sheoran, PP HON'BLE MR. JUSTICE ANIL KUMAR UPMAN Order 02/04/2024

1. The instant third application for pre-arrest bail has been filed under Section 438 Cr.P.C. on behalf of the petitioners, who are having apprehension of their arrest in connection with FIR No.225/2023 registered at Police Station Kaithwara, District Deeg for the offences punishable under Sections 420, 270, 272 and 308 of IPC and Section 48 of the Food Safety and Standards Act, 2006.

2. It is contended by learned Counsel for the petitioners that the accused-petitioners have falsely been implicated in this case. He submits that this third bail application has been preferred as there has been substantial change in circumstances after dismissal [2024:RJ-JP:15328] (2 of 3) [CRLMB-3814/2024] of the previous bail application. He submits that on 19.03.2024, he received a letter from the Central Food Laboratory Mysore, according to which sample was found sub-standard. Counsel submits that special procedure for search and seizure has been prescribed in the Food Safety and Standards Act. In these circumstances, registration of FIR is not permissible. Therefore, custodial interrogation of the petitioners is not required in this matter.

3. Learned Public Prosecutor opposes the bail application and submits that this court has already rejected the application for pre-arrest bail of the petitioners twice. Therefore, this third application for pre-arrest bail cannot be entertained.

4. First bail application of the petitioners was dismissed as not pressed on 12.01.2024. Thereafter, second bail application was filed without any change in circumstances and same was considered and dismissed on 26.02.2024 by this Court with the observation that after rejection of first bail application, there was no substantial change in circumstances. Now, this third pre-arrest bail application has been preferred on the basis of an information received on 19.03.2024. From bare perusal of the information dated 19.03.2024, it appears that same is based on an earlier report dated 20.02.2024, while second bail application was considered and dismissed on 26.02.2024, subsequent to the report dated 20.02.2024. Therefore, in these circumstances, I do not find any ground to change my earlier view. Filing of the instant bail application in such a short span is abuse of process of law.

[2024:RJ-JP:15328] (3 of 3) [CRLMB-3814/2024]

5. Thus, I do not deem it a fit case for grant of anticipatory bail to the accused-petitioners. Accordingly, the anticipatory bail application is dismissed.

(ANIL KUMAR UPMAN),J DEEPA RANI -58 Powered by TCPDF (www.tcpdf.org)