

# Jawed Haji Harun Mohammad vs State Of Mah. Thr. Pso, Murtizapur ... on 16 November, 2021

**Author: Vinay Joshi**

**Bench: V. G. Joshi**

Order

1611aba

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [ABA] NO. 771/2021.

Jawed Haji Harun Mohammad

-Versus-

State of Maharashtra, through Murtizapur Police Station, Akola.

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's

Shri S.P. Bhandarkar, Advocate for the Applicant  
Shri H.D. Dubey, A.P.P. for the Non-applicant

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 16, 2021 Heard.

2. In anticipation of arrest in connection with Crime No.435/2021 registered with Murtizapur Police Station, District Akola for the offence punishable under Sections 328, 272 and 273 of the Indian Penal Code read with Sections 26 and 59 of the Food Safety and Standard Act, the applicant is seeking pre-arrest protection. The learned Counsel for the applicant also prayed for interim protection.

3. It is submitted that the applicant is no way concerned with the alleged seizure in any manner.

4. With the assistance of both the learned Order 1611aba771.21 sides I have perused the contents of first information report and also the impugned order. Prima facie it reveals that huge quantity of contraband article - Gutka was seized from three persons, who disclosed that it belonged to one Mr. Agrawal. Name of the applicant is not mentioned in the first information report. It is submitted that reference in respect applicant is made in reply filed by the State before the Sessions Court that there was some CDR location traced, on the basis of which his bail was rejected.

5. Considering the nature of material, the applicants' liberty can be protected till the matter is heard on merits, hence, the following order.

(i) Issue notice to the non-applicant, returnable 07.12.2021. Learned A.P.P. waives notice for the non-applicant.

(ii) In the meantime, in the event of arrest of the applicant/accused Jawed Haji Harun Mohammad in connection with Crime No.435/2021 registered with Murtizapur Police Station, District Akola for the offence punishable under Sections 328, 272, 273 of the Indian Penal Code read with Sections Order 1611aba771.21 26 and 59 of the Food Safety and Standard Act, he be released on interim bail on executing P.R. Bond in the sum of Rs.25,000/- each with one surety in the like amount.

(iii) The applicant/accused to attend the concerned police station on every Sunday in between 11 a.m. to 2 p.m.

(iv) The applicant/accused shall not tamper with the prosecution evidence in any manner.

JUDGE Rgd.

RAKESH      GANESHLAL  
GANESHLAL   DHURIYA  
DHURIYA      Date:  
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