

Abhay Rameshwar Reza @ Gupta vs The State Of Maharashtra on 23 August, 2022

Author: S. G. Mehare

Bench: S. G. Mehare

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907-ABA.1127-22.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 ANTICIPATORY BAIL APPLICATION NO.1127 OF 2022

ABHAY RAMESHWAR REZA @ GUPTA
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Ms. Kulkarni Rashmi S.
APP for Respondent-State : Ms. V. S. Choudhari.
...

CORAM : S. G. MEHARE, J.
DATE : 23.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the
learned APP for the respondent / State.

2. Issue notice to the respondent, returnable on
07.09.2022.

3. The learned APP waives service of notice for the
respondent-State.

4. The applicant has been arraigned for the offences
punishable under Sections 328, 188, 272, 273 of the IPC,
Section 59, 26(2)(iv) of the Food Safety and Standards Act and

Section 3/25 of the Arms Act. The learned counsel for the applicant would state that the alleged country made pistol has been seized from the co-accused. The applicant has no concern

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with the said weapon. However, Section 328 of the IPC would not attract to the case under the Gutka and other offences are bailable. Therefore, interim protection may be granted.

5. The issue as regards the applicability of Section 328 of the IPC is seized with the Hon'ble Supreme Court. The Hon'ble Supreme Court has granted the interim protection to the applicants approached before Hon'ble Supreme Court. There are contradictory views of this Court as regards the applicability of Section 328 of the IPC in the Gutka cases. Considering the issue seized with the Hon'ble Supreme Court, the applicant may be released on interim protection. Hence, the following order :

ORDER

(i) In the event of arrest, the applicant ABHAY RAMESHWAR REZA @ GUPTA be released on interim bail, on furnishing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety of the like amount, in Crime No.204 of 2022, registered with Police Shirdi, District Ahmednagar, for the offences punishable under Sections 328, 188, 272, 273 of the IPC, Section 59, 26(2)(iv) of the Food Safety and 3 907-ABA.1127-22.odt Standards Act and Section 3/25 of the Arms Act, on the condition that he shall attend the Police Station as and when called by the Investigating Officer.

(S. G. MEHARE, J.) ...

vmk/-