

Imran Shamshad Ansari vs The State Of Maharashtra on 25 January, 2022

Author: C.V. Bhadang

Bench: C.V. Bhadang

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 193 OF 2022

SNEHA
NITIN
CHAVAN

Imran Shamshad Ansari
V/s.

..Applicant

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by SNEHA
NITIN CHAVAN

The State of Maharashtra

..Respondent

Date: 2022.01.27
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Mr. Kuldeep Patil i/b Saili Dhuru for the Applicant.
Mr. Y.Y. Dabke, APP for the Respondent/State.
API Govind Patil attached to Dadar Sagari Police Station present.

CORAM : C.V. BHADANG, J.

DATE : 25 JANUARY 2022 (Through Video Conferencing) P.C.

1. The Applicant apprehending arrest in connection with the investigation of Crime No. 54 of 2021 of Police Station Dadar Sagari, District Raigad under Section 420, 328, 272, 473 of IPC and Section 59 of the Food Safety and Standard Act, 2006, is seeking anticipatory bail.

2. Upon hearing the learned counsel for the parties, it prima facie appears that there is no recovery of any Gutkha or paan masala from the present Applicant. It appears that the name of the Applicant was disclosed by accused No.3 Rakesh and accused Sneha Chavan page 1 of 2 9 aba 193-22.doc No.4 Dipen as being the stockist and supplier of Gutkha and paan masala. However, the learned APP in all fairness pointed out that no such premise belonging to the Applicant are pointed out by the co-accused and therefore, there is no recovery of any such stock allegedly kept by the present Applicant.

3. The learned counsel for the Applicant placing reliance on the decision of the learned Single Judge of this Court sitting at Aurangabad in a group of matters being ABA No. 944/2020 and others decided on 30.09.2021 has submitted that this Court has taken a view that Section 328 of IPC is not attracted in such cases.

4. The learned APP has submitted that there is a contrary view taken by another Single Judge of this Court sitting at Mumbai and all such matters involving the issue pertaining to the scope and ambit of Section 328 of IPC are kept on 18.02.2022.

5. Hence, stand over to 18.02.2022.

6. Till next date, no coercive steps has been taken against the Applicant, subject to Applicant reporting to the Investigating Officer on 3rd and 4th February 2022 between 11.00 a.m. to 1.00 p.m. and co-operating with the investigating agency.

(C.V. BHADANG, J.)

Sneha Chavan

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