

Hanamantu Vishvanath Behare And ... vs The State Of Maharashtra And Another on 17 August, 2022

Author: S. G. Mehare

Bench: S. G. Mehare

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4-ABA-1020-22.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1020 OF 2022

HANAMANTU VISHVANATH BEHARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Syed Parvez, Advocate holding for
Mr. R. R. Shaikh
APP for Respondent : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 17-08-2022

PER COURT :-

1. Heard the learned counsel for the applicants.
2. Issue notice to the respondents, returnable on 29.08.2022.
3. The learned APP waives service of notice for the respondents.
4. It has been argued by the learned counsel for the applicants that Section 328 of the Indian Penal Code would not attract in the case of Gutka. False allegations have been levelled against the applicants that they are supplier of Gutka. It is also argued that the issue of applicability of Section 328 of the Indian Penal Code in Gutka cases is sub judice before the Honourable Apex Court. In view thereof, the applicants may be granted interim protection.

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5. There are contradictory views of this Court on the issue of applicability of Section 328 of the IPC in the cases of Gutka. The issue is seized with the Hon'ble Supreme Court. The Hon'ble Supreme Court granted interim protection. Hence, applicants deserve to be entitled to interim protection.

In the event of arrest, applicant Nos. (1) Hanamntu s/o. Vishvanath Behare and (2) Sayyed Aamer s/o. Sayyed Khamar be released on interim bail, on furnishing PB and SB of Rs.20,000/- each with one solvent surety of like amount, in C.R. No. 0042 of 2022, registered with Islapur Police Station, Taluka Kinwat, District Nanded, for the offence punishable under Sections 26, 27, 30(2)

(a), 59 of the Food Safety and Standards Act, 2006 and Sections 188, 272, 273, 328 read with Section 34 of the Indian Penal Code.

(S. G. MEHARE) JUDGE rrd