

Sureshchand Dalichand Surana vs The State Of Maharashtra on 5 September, 2022

Author: S. G. Mehare

Bench: S. G. Mehare

9-ABA-1165-2022

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 ANTICIPATORY BAIL APPLICATION NO.1165 OF 2022

SURESHCHAND DALICHAND SURANA
VERSUS
THE STATE OF MAHARASHTRA

Mr Akshay S. Tilve, Advocate h/f. Mr. Subhas P. Tilve, Advocate for
applicant;
Ms. V.S. Choudhari, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 5th September, 2022 P.C.

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondent returnable on 13.09.2022.
3. Learned APP waives service of notice for the respondent.
4. The learned counsel for the applicant would submit that Section 328 of the Indian Penal Code would not attract. The other offences registered against the applicant are bailable. Nothing is to be recovered from the applicant. The false allegations have been levelled against the applicant that the Gutka was found in his shop.
5. The learned APP has strongly opposed the application, contending that the offence is serious. Gutka is harmful to the human life. However, there are conflicting views of this Court as regards the applicability of section 328 of the Indian Penal Code in the cases of 9-ABA-1165-2022 Gutka. She has also argued that the issue as regards the applicability of Section 328 of the Indian Penal Code in cases of Gutka is seized with the Honourable Supreme Court. The Honourable Supreme Court granted interim protection to the persons approached to it.

6. The issue of the applicability of Section 328 of the Indian Penal Code is seized with the Honourable Supreme Court and granted interim protection to the persons approaching to it. In the circumstances, the applicant has a good case for interim protection. Hence, the following order :-

In the event of arrest, applicant - Sureshchand Dalichand Surana, he be released on interim bail, on furnishing PB and SB of Rs.20,000/- with one solvent surety of like amount, in C.R. No. 223 of 2022, registered with City Chowk Police Station, Aurangabad for the offences punishable under Sections 328, 273, 188 of the Indian Penal Code and Sections 26(1), 26(2)(iv), 27(3)(d), 27(3)(e) and 59 of the Food Safety and Standards Act, 2006.

(S. G. MEHARE, J.) amj