

Syed Zabiulla Alias Roshan vs State Of Maharashtra on 5 June, 2023

Author: Anuja Prabhudessai

Bench: Anuja Prabhudessai

2023:BHC-AS:15010

P.H. Jayani

14 AND 15.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1551 OF 2023

Rafiq Gaffar Meman

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1552 OF 2023

Syed Zabiulla alias Roshan

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

Mr. Veerdhawal Kakade for the Applicants.

Mr. S.V. Gavand, APP for the State.

Mr. Yelapave, HC, Mangalwedha Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 05th JUNE, 2023.

P. C. :-

. These are the Applications under section 438 of Cr.P.C. filed by the aforesaid Applicants apprehending their arrest in C.R.No.291/2023 registered with Mangalwedha Police Station, Solapur for offences punishable under sections 188, 272, 273, 328 r/w. 34 of the Indian Penal Code and sections 26(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of Food Safety and Standards Act, 2006,

2. The aforesaid crime was registered pursuant to the FIR lodged by P.H. Jayani 14 AND 15.doc Umesh Bhuse, Food Safety Officer, Food and Drugs Administration, Solapur. The records prima facie reveal the first informant received confidential information that a truck bearing No.MH-12-HD-7876 was carrying gutkha. Pursuant to the said information, on 17/04/2023, the

said truck was intercepted near Sangola Naka near Mangalwedha. Several bags containing pan masala and scented tobacco being prohibited goods, were recovered from the said truck. The driver of the said truck informed that it was brought from Nippani, Karnataka and was being supplied to the Applicant - Rafiq Meman. The Applicant

- Syed Zabiulla @ Roshan is stated to be the transporter.

3. Apart from the statement of the co-accused, there is no prima facie material to indicate that the said seized goods were to be supplied to the Applicant - Rafiq Meman. Prima facie, applicability of section 328 of the Indian Penal Code is also doubtful. The other offences are bailable. Considering the above facts and circumstances, this is a fit case to exercise discretion under section 438 of Cr.P.C. Hence, the Applications are allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicants in C.R.No.291/2023 registered with Mangalwedha Police Station, Solapur, they shall be released on bail on furnishing P.H. Jayani 14 AND 15.doc bail bonds in the sum of Rs.25,000/- each with one or two sureties in the like amount ;

(b) The Applicants shall report to the Investigating Officer for two days i.e., on 07/06/2023 and 08/06/2023 between 11:00 a.m. to 02:00 p.m. ;

(c) The Applicants shall not interfere with the prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

4. Both Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)