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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2640 OF 2018

Mohd. Wasim H. Khan

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Ravi Dwivedi for applicant.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 14th March 2019.

P.C.:

1] By an Order dated 21st December 2018, the applicant was granted interim relief and was directed to attend the Investigating Officer as and when called for.

2] Perusal of the record of investigation would indicate that, in the stomach wash of the informant, no poisonous substance was found. It is therefore difficult to accept the contention of the prosecution that, Section 328 of the Indian Penal Code can be applied to the present crime.

3] In view thereof, the applicant is entitled to be protected by pre-arrest bail. Interim relief granted by Order dated 21st December 2018 is hereby confirmed.

However, the condition to attend the Investigating Officer is waived.

4] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)