

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

ANTICIPATORY BAIL APPLICATION NO. 587 OF 2021

1. Mr. Mohammed Arif Siddiqui
2. Mr. Asif Hussain Siddiqui
3. Mr. Mohd. Rashid Siddiqui ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. A. K. Upadhyay, for the Applicants.
Mr. A. R. Kapadnis, APP for the Respondent – State.
Mr. P. B. Desai, PSI, Malvani Police Station, Mumbai present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 09th MARCH, 2021

PC :

. This is an application for anticipatory bail in connection with C.R.No.78/2021 registered with Malvani Police Station, Mumbai for the offences under Sections 328, 188, 272, 273 of Indian Penal Code and Sections 26(2) (i) read with Section 3(I) (z) (v) and Sections 26 (2) (4), 27 (3) (d), 274 (3) (E), 59 of Food, Safety and Standards Act, 2006.

2. The case of the prosecution is that, on receipt of information, one person was arrested. He found in possession of Gutkha and other

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prohibited articles valued Rs.3,42300/-. The F.I.R. was registered on 28th January 2021. The arrested accused were produced for remand before the concerned Court and they were remanded to custody. During their interrogation, they disclosed complicity of the applicants as persons selling Gutkha.

3. The applicants had preferred an application before the Sessions Court which has been rejected.

4. The contention of the applicants is that, they have been falsely implicated in this case. There is no evidence to show their involvement. In the remand application, except stating that the applicants are involved as per the statement of the arrested accused, no role was attributed to them. The applicants are willing to co-operate with the investigation. They will attend the investigating officer. Their custodial interrogation is not necessary.

5. Learned APP brought to my notice the statements of the witnesses as well as the statement made during the interrogation by the arrested accused. The statements of the witnesses indicate that the applicants are actively involved in selling Gutkha and other prohibited materials in several areas like schools, colleges selling it to young generation.

6. In the light of the evidence against the applicants, no case for grant of anticipatory bail is made out.

7. Hence, the application is rejected.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)