

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.114 OF 2022

RAKESH AMARLAL BATHEJA AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Satej S. Jadhav
APP for Respondent : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 14-09-2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.

2. The learned counsel for the applicants would submit that in any event section 328 of the Indian Penal Code would attract in the cases of Gutka. That apart, the applicants have not been named in the first information report, but some of the co-accused have falsely taken their name subsequent to the registration of the crime. The alleged Gutka was seized from the spot. The applicants were not involved in such business. They are ready to co-operate with the investigation. He would argue that the applicability of the Section 328 of the Indian Penal Code is seized with the Honourable Supreme Court and the applicants who

approached the Honourable Supreme Court have been granted the *interim* protection.

3. Perused the first information report. The record reveals that the applicants were not named in the first information report. Both the applicants are the residents of different places. The applicants have attended the police station on every Sunday since February 2022. The prosecution has nothing to recover from them. The application deserves to be allowed. Therefore, the following order :-

- i) The application is allowed.
- ii) The *interim* protection granted to the applicants by order dated 14.02.2022 is confirmed on the same terms and conditions.
- iii) The condition to attend the police station on every Sunday stands withdrawn.

**(S. G. MEHARE)
JUDGE**

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