

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.741 OF 2022

NAEEM S/O MUMTAJ FAROOQUI
VERSUS
THE STATE OF MAHARASHTRA

.....
Mr. A.K. Bhosale, Advocate for the Applicant
Ms. V.S. Choudhari, APP for Respondent/State
.....

[CORAM : S.G. MEHARE, J.]

DATE : 4th JULY, 2022

ORDER :

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The learned counsel for the applicant submits that the applicant is a labour and has no concern with the alleged incident. The co-accused Shaikh Nadim has made a false statement against the applicant that the applicant is the supplier of the prohibited *Ghutka*. He has also argued that the co-accused stated the name of the applicant when he was in the police custody. Therefore, his statement has no value. The applicant has no antecedents to his discredit. He is a permanent resident of Aurangabad. He is ready to cooperate with the investigation. He may be released on the anticipatory bail.

3. Learned APP has strongly opposed the application, contending that the applicant is a supplier of prohibited *Ghutka*. His name has been transpired during the course of the investigation from the accused at whose house the raid was taken. The applicant is a supplier. Hence his custodial interrogation is required.

4. The F.I.R. reveals that the police has taken a raid in the house of co-accused Shaikh Nadim and discovered the prohibited *Ghutka*. In the F.I.R., the co-accused Nadim Shikah did not state the name of the applicant. The legal position on the statement of the co-accused in police custody is well settled. In view of the facts, the applicant has a good case for anticipatory bail. Hence, the following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant **Naeem Mumtaj Farooqui** be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety of the like amount in Crime No.57 of 2022, registered with Begumpura Police Station, Aurangabad for the offences punishable under Sections 272, 273, 328, 188 of the Indian Penal Code, on the condition that he shall attend the Police Station as and when called by the Investigating Officer on written notice.

[S.G. MEHARE, J.]