

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.925 OF 2022**

ASEF SANDU SHAIKH

..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA

..RESPONDENT

...

Shri. Avinash R. Borulkar, Advocate for the Applicant.

Smt. V. S. Choudhari , APP for Respondents-State.

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CORAM : S. G. MEHARE, J.

DATED : 29th JULY, 2022.

PER COURT:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The learned counsel for the applicant has submitted that the applicant is not named in the FIR. The prosecution has no evidence except the telephonic talk with the accused who was apprehended with contraband. The applicant has no such business. There are no antecedents against the applicant. Therefore, the anticipatory bail may be granted.

3. The learned APP has fairly submitted that applicant has not been named in the FIR and the accused apprehended with the contraband has also not immediately disclosed name of the applicant. However, on the date of the alleged incident, the applicant was constantly in touch with the accused on phone. It has been transpired in the

investigation that, the applicant is indulged in the business of illegal sell and store of the contraband. Therefore, his custody is essential.

4. Perused the papers placed on record. Considering the fact of the case and the sole evidence of telephonic talk, there is no other direct evidence against the applicant, the application deserves to be allowed. Hence, the following order:

ORDER

a. The application is allowed.

b. In the event of arrest, the applicant, Asef S/o Sandu Shaikh, be released on anticipatory bail, on executing P.B. and S.B. of Rs.15,000/- (Fifteen Thousand) with one solvent surety in the like amount in Crime No.175/2022, registered with Pishor Police Station, Tq. Kannad, Dist. Aurangabad for offences punishable under Sections 272, 273, 188, 328 of the Indian Penal Code and Section 59 of Food Safety and Standards Act, 2006, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)