

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1738 OF 2022

Issa @ Ishaq Rahematulla Tamboli Applicant

Versus

The State of Maharashtra
and another Respondents

.....

Mr. Hamzakhan I. Pathan, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondents – State

.....

WITH
ANTICIPATORY BAIL APPLICATION NO.1664 OF 2022

Asad S/o Rafiuddin Tamboli Applicant

Versus

The State of Maharashtra
and another Respondents

.....

Ms. A.N. Ansari, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd December, 2022

ORDER :

1. The applicants apprehend their arrest in connection with Crime No.0536 of 2022 registered with Ahmedpur Police Station, District Latur for the offences punishable under sections 328, 188, 272, 273 read with 34 of the Indian Penal Code and section 59 of Food Safety and Standards Act, 2006.

2. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

3. According to the prosecution, prohibited articles like *Pan Masala*, etc. were seized from accused No.1, i.e. applicant in anticipatory bail application No. 1664 of 2022. It is alleged that 3 accused persons owned the contraband articles. Third accused, namely Sayyed Imran Tamboli was arrested and he was remanded to magisterial custody immediately on the next day. Learned Additional Public Prosecutor submits that so as to ascertain from where the contraband articles are procured, the custodial interrogation of the applicants is necessary.

4. The applicants' presence and co-operation in the investigation can be secured by imposing appropriate conditions. Applicability of section 328 of the Indian Penal Code is *sub judice* before the Apex Court, wherein interim relief is granted. In that view of the matter, the applicants deserves protection.

5. The applications are allowed. In the event of arrest of the applicants in connection with Crime No.0536 of 2022 registered with Ahmedpur Police Station, District Latur for the offences punishable under sections 328, 188, 272, 273 read with 34 of the Indian Penal Code and section 59 of Food Safety and Standards Act, 2006, the applicants shall be released on bail on executing PB and SB of Rs.15,000/- each with one surety each of like amount.

6 The applicants shall attend the concerned police station everyday from 24th December, 2022 to 31st December, 2022 between 10.00 a.m. and 12.00 noon and co-operate in the investigation. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane