

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.687 OF 2020**

Abdullah Mintekhar Ahmed Khan .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr.Marmik Shah i/b Mr.Kushal More for the Applicant.

Ms.Rutuja Ambekar, A.P.P. for the State/Respondent.

...

CORAM: BHARATI DANGRE, J.

DATED : 21st SEPTEMBER, 2022

P.C:-

1. On 19/03/2020, the applicant was admitted to interim protection from arrest in the subject C.R., which invoke Section 26(2) of Food Safety and Standards Act, 2006 and Sections 328, 188, 272, 273 of the Indian Penal Code.

Considering that the applicant was not named in the F.I.R. and he was not present at the time of seizure of the prohibited substance and further relying upon the decision of the Division Bench of this Court in the case of ***Anand Ramdhani Chaurasia & Ors. Vs. The State of Maharashtra & Ors. (Cri.W.P. No.3607 of 2019 decided on 13/09/2019)***, he was admitted to protection.

2. Down the line for two years, investigation must have been complete and since the conundrum revolving around

Section 328 of IPC is pending before the Hon'ble Supreme Court, I see no reason why the custodial interrogation is necessary.

The order dated 19/03/2020 is, therefore, confirmed, subject to the stipulation that the applicant shall report to the Investigating Officer from 28th September till 30th September, 2022 at 3.00 p.m.

3. The application stands disposed off.

(SMT. BHARATI DANGRE, J.)