

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3181 OF 2021

Naushad Idris Khan	Applicant
versus	
The State of Maharashtra and another	Respondents

Mr.Mateen Shaikh with Arshad Shaikh, Rafique Shaikh and Nadeem Shaikh for applicant.

Mr.Arfan Sait, APP, for State.

Mr.Prashant Langi, Investigating Officer, Uttan Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th March 2022

PC :

1. This is an application for anticipatory bail in R No.22 of 2021 registered with Uttan Sagari Police Station for offence under Section 328 r/w 34 of Indian Penal Code and under Sections 41, 88 of Food Safety and Standards Act, 2006.

2. Previous application preferred by the applicant was disposed of vide order dated 26th February 2021. Learned counsel for applicant submit that previous application was withdrawn. Section 328 of IPC is not applicable. The applicant has good case on merits. There is no evidence to show involvement of applicant in crime. The Hon'ble Supreme Court has granted relief of no coercive action in some matters, copies of which are annexed to this application. The order dated 17th September 2021 passed by this Court in Anticipatory Bail Application No.2236 of 2021 refusing to grant anticipatory bail in

similar case has been challenged before Supreme Court and interim relief has been granted by Supreme Court on 13th January 2021.

3. Learned APP submitted that first application preferred by the applicant was rejected by this Court on 26th February 2021. Since last one year the applicant is absconding. It is further submitted that this Court by order dated 24th March 2021 passed in ABA No.483 of 2021 has taken note of the submissions advanced by learned advocate for applicant in the said application including the submission that Section 328 of IPC is not attracted in such cases and said application has been rejected by order dated 24th March 2021. It is further submitted that this Court has rejected similar contention in ABA No.1405 of 2021 and group of matters vide order dated 23rd December 2021. Learned APP submitted that while rejecting the said applications, the order dated 24th March 2021 passed by this Court in ABA No.483 of 2021 as well as several other decisions were referred to and submit that Section 328 of IPC is not attracted, has been rejected.

4. It is pertinent to note that applicant has been evading arrest since long. Vide order dated 26th February 2021 the previous application for anticipatory bail preferred by applicant was disposed of. The order indicate that applicant was argued and the Court was not inclined to grant relief. In such circumstances learned advocate for applicant had sought permission to withdraw application and the request was granted. After lapse of one year the applicant has again moved present application. The issue relating to non applicability of Section 328 of IPC in case of present nature was dealt with by this Court vide order dated 24th March 2021 in ABA No.483 of 2021 and

subsequently by order dated 23rd December 2021 in ABA No.1405 of 2021 and group of applications. Hence, no case is made out for entertaining this application. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application stands rejected.

(PRAKASH D. NAIK, J.)

MST