

PMB

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.3456 OF 2022

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SABAHUDDIN ZAHEERUDDIN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Pankaj S. Pandey for applicant.

Mr. N. B. Patil, APP for State.

Mr. V. L. Rathod, PSI, Anti Extortion Cell, Mumbra Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2022.

P.C. :

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

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 328, 188, 272, 273 read with Section 34 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No.I-0244 of 2021 dated 24/03/2021 registered with Mumbra Police Station, Thane.

3. The raid was conducted on the residential premises of the applicant when gutkha and other tobacco products was

found. It is alleged that the applicant ran away. There is nothing to be recovered from the applicant. The issue of applicability of Section 328 of the IPC to the tobacco products is still pending before the Hon'ble Supreme Court. Though, it is alleged that the applicant ran away from the spot, the entire consignment has been seized. The custodial interrogation of the applicant is therefore not necessary. Considering these facts, I am inclined to release the applicant on anticipatory bail. Hence, the following order :-

ORDER

- (i) In the event of arrest in connection with C.R. No.I-0244 of 2021 registered with Mumbra Police Station, Thane, applicant-Sabahuddin Zaheeruddin shall be released on his furnishing a P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (ii) The applicant shall report to the Investigating Officer of the concerned police station once in a week on every Sunday between 10.00 a.m. and 1.00 p.m.
- (iii) The applicant to co-operate with the Investigating Officer.
- (iv) The applicant shall furnish the details of his residential address and phone numbers to the

Investigating Officer.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

4. The Anticipatory Bail Application is disposed of.

(M. S. KARNIK, J.)