

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.718 OF 2022

(ISTIHAZ ILIYAS KEDIA & ANR...VS.. STATE OF MAH. THR. PSO PS GADCHANDUR, KORPANA,
DIST.CHANDRAPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.V.Navlani, Advocate for Applicants.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : NOVEMBER 23, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicants are seeking pre-arrest bail in Crime No.241 of 2022, registered with Police Station, Gadchandur, Distt.: Chandrapur for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code, 1860 and under Sections 26(1), 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a) of the Food Safety and Standards Act, 2006.
3. After hearing for sometime and on showing disinclination to grant bail to the applicant No.1-Istihaz Iliyas Kedia, considering his antecedents, the learned counsel for the applicants, on instructions, seeks permission to withdraw the present application qua applicant No.1-Istihaz Iliyas Kedia. Accordingly, permission is granted.

4. As far as applicant No.2 is concerned, it is pointed out that there are no antecedents and he is brother of the main accused and noway connected with the shop from where the contraband articles were seized.

5. Thus, considering the role of the applicant No.2 and as there are no criminal antecedents of the similar nature, I am of the opinion that the applicant No.2 is entitled for grant of pre-arrest bail. There is nothing to be recovered from the applicant No.2 in this case and therefore, custodial interrogation of the applicant No.2 is not necessary. Accordingly, I pass the following order:

- i) The application qua-applicant No.1-Istihaz Iliyas Kedia is disposed of as withdrawn.
- ii) The application qua-applicant No.2-Sarfaraz Iliyas Kedia is **allowed**.
- iii) It is directed that in the event of arrest of applicant No.2-Sarfaraz Iliyas Kedia, in connection with Crime No.241 of 2022, registered with Police Station, Gadchandur, Distt.: Chandrapur for the offences punishable under Sections 188, 272, 273, 328 of the Indian Penal Code, 1860 and under Sections 26(1), 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a) of the Food Safety and Standards Act, 2006, he shall be released on bail on furnishing P.R.

Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

- iv) The applicant No.2 shall attend the concerned Police Station as and when his presence is required.

The Criminal Application is **disposed of** accordingly.

JUDGE

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