

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

935 ANTICIPATORY BAIL APPLICATION NO.220 OF 2023

Siddiqui Imranoddin s/o Khamarmohiyoddin
Age; 44 yers, Occ; Labour,
R/o; Old Mohdna, Siddiqui Colony,
Majalgaon, Tq. Majalgaon,
District; Beed.

...Applicant

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Neknoor,
Dist. Beed.

2. The Superintendent of Police,
S.P. Office, Beed.

...Respondents.

...
Advocate for Applicant : Mr. P.A.Dhakane h/f Mr.Shekade
Shashikant E.
APP for Respondents-State : Mr. G.O.Wattamwar
...

CORAM : R. G. AVACHAT, J.

DATE : 09.03.2023.

PER COURT :

1. Heard.

2. The applicant claims to have an apprehension of arrest in connection with CR No. 241 of 2021, registered with Neknoor Police Station, District Beed for the offences punishable under Sections 328, 271, 272 and 273 of the Indian Penal Code ("I.P.C.").

3. The learned APP would submit that similar crimes have been registered against the applicant in past, therefore, he does not deserve grant of anticipatory bail.

4. The facts of the present case are peculiar one. The First Information Report ("FIR") has been lodged way back in October, 2021. The contraband articles Pan Masala/ Gutkha came to be seized from a truck. The truck driver gave a statement that few bags containing Pan Masala/Guthka were delivered to the applicant herein. As such, the truck driver is one of the accused in the very crime. Here is the statement of the co-accused. It appears that such statement was given way back in October and still the Investigating officer appears to have not effected any raid or inspected the Pan shop of the applicant. About one and half years have been passed thereafter. Except the statement of the co-accused and police officers, there is nothing to indicate that the applicant to have in fact received Pan Masala/Guthka as was stated by the co-accused.

5. The learned APP further submits that there are CDR, which indicates the applicant to have constant contact with the truck driver and the transporter. Even if, we take everything on which the prosecution proposed to rely, no useful purpose would be served by

arresting the applicant, a petty pan shop owner, since one and half years have passed post the alleged incident. The investigating officer ought to have been prompt to investigate or effect the raid at the shop of the applicant, to find whether he has really received such contraband articles. Considering all these facts, this Court inclined to grant the application. Hence the order :

ORDER

(a) The application is allowed.

(b) In the event of arrest in connection with CR No. 241 of 2021, registered with Neknoor Police Station, District Beed for the offences punishable under Sections 328, 271, 272 and 273 of the Indian Penal Code, the applicant Siddiqui Imranoddin s/o Khamarmohiyoddinin, be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with a surety in the like amount on following conditions :

(i) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(ii) The applicant shall not tamper with the prosecution evidence.

(R. G. AVACHAT)
JUDGE

mahajansb/