

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

CRIMINAL APPLICATION (ABA) NO.16 OF 2023

(ISTIHAJ ILIYAS KIDIYAVS.. STATE OF MAH. THR. PSO PS GADCHANDUR, 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 A.V.Band, Advocate for Applicant.
Ms H.N.Jaipurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 02, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicant is seeking pre-arrest bail in Crime No.241 of 2022, registered with Police Station, Gadchandur, District: Chandrapur for the offences punishable under Sections 26(1), 26(2)(i), 26(2)(iv), 27(3)(e), 30(2)(a) of the Food Safety and Standards Act, 2006 and Sections 188, 273 and 328 of the Indian Penal Code.
3. In earlier application filed by the applicant for grant of anticipatory bail, this Court shown disinclination to grant bail to the applicant on the ground that there are antecedents of similar nature and considering the fact that if the applicant is released on bail there is every possibility that he will repeat the offence. On expressing the disinclination, the learned counsel for the applicant withdrew the application.

4. This is the second application filed by the applicant within a short span of 1 ½ months on the ground that the Hon'ble Supreme Court has granted protection in the similar matter.

5. At this stage, it is pertinent to state that considering the fact that the Hon'ble Apex Court has granted protection in similar matter, the application of the applicant No.2 Sarfraz Ilyas Kidia was allowed by this Court and by the same order dated 23/11/2022 permitted the present applicant to withdraw the application for the reason that nothing was pointed out that in the case wherein the protection was granted by the Hon'ble Supreme Court of India there are also antecedents against the petitioner.

6. In the circumstances, as there is no change in circumstances to entertain this successive application, the Criminal Application is **rejected**.

JUDGE

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