



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

73 ANTICIPATORY BAIL APPLICATION NO. 861 OF 2024

Mohammad Jahir Ahemad Bashir Bhojani

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Bora Satyajit S.

APP for Respondents: Mr. C.V. Bhadane

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CORAM : SHIVKUMAR DIGE, J.
DATED : 22nd JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 246 of 2024 registered with Ahmedpur Police Station, district Latur for the offences punishable under sections 188, 272, 273, 328 r.w. 34 of Indian Penal Code and Section 59 of the Food safety and Standards act, 2006.

2. It is the prosecution's case that on 17.4.2024 the police have conducted Nakabandi on account of Parliamentary elections. During the Nakabandi, the police found one vehicle bearing No. MH-28-BB-3269. During the search of the said vehicle, the police found that the Gutkha was being carried in the said vehicle. Accordingly, the police seized the Gutkha of around worth Rs.21,52,800/-. The police seized the Gutkha and arrested co-accused Rafik Abdul Shabir, Amin Ulla

Shami Ulla, Alok Rajeshwar Reddy and Yogesh Nitin Yadav on the spot. It is alleged that the applicant had sent co-accused Alok Reddy and Yogesh Yadav to check whether the truck which was carrying out the Gutkha was seized by the police or not.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegations against the applicant are that he had sent co-accused to see that if the vehicle carrying out the Gutkha is seized by the police or not. No specific role is attributed to the applicant. Considering the allegations against the applicant, his custodial interrogation is not required and hence requested to allow the application.

4. It is the contention of the learned APP that the applicant has criminal antecedents. In the year 2013 crime was registered against the applicant. The applicant is main preparator found in the said crime. He had sent co-accused to see if the vehicle carrying out the Gutkha is seized or not. The custodial interrogation of the applicant is required. Hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he had sent co-accused to see if the vehicle

carrying out the Gutkha is seized or not. Except this allegation, there are no allegations against the applicant. Considering the allegations against the applicant, the custodial interrogation of the applicant is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 27.05.2024 stands confirmed on the same terms and conditions with following modification :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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