



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 BAIL APPLICATION NO. 1598 OF 2024

HUSAIN MOHAMMAD SIDDIQUI ZUDA

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Ms. Pooja S. Ingle h/f Mr. Salunke
Sudarshan J.

APP for Respondents-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.

DATE : 04.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondents-State.
2. The applicant seeks bail in Crime No.313 of 2024, registered with Khultabad Police Station, District Aurangabad, for the offences punishable under Sections 59 of the Food Safety and Standards Act, 2006 and Sections 223, 274, 275, 123, 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. The prosecution case in short is that on the day of the incident, the applicant was present on the spot of the incident from where the scented tobacco packing material and the raw material for scented tobacco with incense sticks was recovered. It was alleged against him that he was a partner with co-

accused. The said premises was purchased. Owner of the premises said that the applicant and other co-accused were doing the joint business. The applicant was apprehended on the spot of the incident. The incriminating material was seized.

4. Learned counsel for the applicant would submit that the applicant is the resident of Surat. On that day, he came to Aurangabad to meet his brother-in-law, the co-accused who was operated for cancer. He was just present there being the relative of the co-accused. He has no concern with the said business. He is in construction business at Surat. However, barely he was present at the spot of the incident, he has been arraigned as an accused. There are no antecedents of the similar crime against him. Nothing is to be recovered from him. Hence, he may be granted bail.

5. Learned APP opposed the application. He would submit that *prima facie* evidence is available against the applicant. If he had been to the Aurangabad to meet his brother-in-law who operated for cancer, he had no reason to present in the manufacturing unit. He would submit that he hails from the State of Gujrath. Hence, possibility of his absconding cannot be ruled out.

6. Perused the papers. Admittedly, the applicant is not the resident of Aurangabad. He hails from Surat. It also appears from the record that his brother-in-law who is the co-accused was operated for cancer. It is a practice that in such a situation relatives visit the house of patients. Except the present crime, the prosecution could not discover the similar matter at his instance at any place. He has no antecedents to his discredit. The material investigation against him has been completed. Therefore, his detention would serve no purpose. However, the apprehension of the prosecution of absconding the applicant may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **HUSAIN MOHAMMAD SIDDIQUI ZUDA** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.

- (b) He should attend the Police Station as and when called on written notice till filing of the charge sheet.
- (c) He should supply his residential proof and cell phone number to the Investigating Officer with an undertaking that he will not change his residence and mobile phone number till the trial is concluded.

(S. G. MEHARE, J.)

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vmk/-