

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 349 OF 2024

Ayub Khalid Khatri and anr. ...Applicants
Versus
State of Maharashtra ...Respondent

Mr. Rizwan Merchant, a/w Sagar Shete and Sultan Khan,
for the Applicant.
Ms. Ranjana Humane, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 8th MARCH, 2024

PC:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.112 of 2023, registered with Igatpuri Police Station, Nashik Rural, for the offences punishable under Sections 328, 272, 273, 420, 188, 465, 468, 471 read with 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 23(2)(i), 26(2)(ii), 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006.
3. The learned Counsel for the applicant submits that by an order dated 4th September, 2023, this Court has granted ad-interim relief to the co-accused. Perused order dated 4th

September, 2023. This Court was persuaded to grant ad-interim relief to the co-accused as the applicability of provisions of Section 328 of the Indian Penal Code, 1860 ("the Penal Code") is debatable and the issue is pending before the Supreme Court. In identical matters, this Court has granted interim protection to the persons, who have been arraigned for the offence punishable under Section 328 of the Penal Code.

4. In the aforesaid view of the matter, I am inclined to protect the liberty of the applicant by granting interim protection.

5. Hence the following order:

: O R D E R :

- (i) Issue notice to the respondent, returnable on 8th April, 2024.
- (ii) The learned APP waives notice for respondent/State.
- (iii) In the event of arrest of the applicant in CR No.112 of 2023, registered with Igatpuri Police Station, Nashik Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

- (iv) The applicant shall cooperate with the investigation and attend Igatpuri Police Station on every alternate Sunday between 10.00 am. to 12.00 noon till the next date.
- (v) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

[N. J. JAMADAR, J.]