

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1881 OF 2024

Raju Hamid Shah @ Raju Shah Hamid Kadari ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Gaurav Pandey a/w Ranjit Jadhav for the Applicant.
Mr. Tanveer Khan, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 9th JULY 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant apprehends arrest in connection with FIR No. 0159 of 2024 dated 18th April 2024 registered at Chandwad Police Station, Dist. Nashik, for offences under Sections 188, 272, 273 and 328 of the Indian Penal Code, 1860 (IPC). The allegation against the applicant is that he is trading in *Pan Masala*, which is a prohibited item in the State of Maharashtra.

3. This Court finds that other than offence under Section 328 of the IPC, all the other offences are bailable. It is also an admitted position, which the learned APP has also not been able to dispute that the very applicability of Section 328 of the IPC in such cases is under a cloud of doubt and the question is being considered by the Supreme Court in a bunch of matters listed for hearing and

disposal. In the pending matters the Supreme Court has been granting protection from arrest to the accused persons and this Court has also passed such orders in numerous cases.

4. In view of the above, the applicant has made out a case for granting relief in the present application.

5. Accordingly, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0159 of 2024 dated 18th April 2024 registered at Chandwad Police Station, Dist. Nashik, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one surety in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 12th July 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the Investigating Officer during the course of investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

6. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

7. The application is disposed of.

MANISH PITALE, J.