



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI
ANTICIPATORY BAIL APPLICATION NO.1882 OF 2022
(C. R. No.550/2022 of Powai Police Station)**

Faheem Ahmed Somani @]
Faheem Ahmed S/o. Mohd. Hanif,]
Age 32 years,]
Address : Muranjanwadi, S.V.Road,]
Noory Bakery Shop, Sakinaka,]
Mumbai 400 072.] ...Applicant

Versus

State of Maharashtra,]
(Through Powai Police Station)] ...Respondent

Ld. Adv. Akash Sarode for applicant.
APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,
Additional Sessions Judge,
Court Room No.10.**

Date : 01st December, 2022

ORAL ORDER

1. The present application is filed by the applicant under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.550 of 2022, registered with Powai Police Station for the offences punishable under Sections 328, 188, 272, 273 of IPC r/w. Section 59 of Food Safety and Standards Act 2009.

Brief facts of the prosecution case are as under :

2. The complainant Swapnil Sunil Khedekar was on duty on 23.05.2022 at about 08.15 p.m. Police Naik More called two panch witnesses in the office. Senior P.I. Thakur told them about the secret information that person namely, Sarfaraz Ahmed along with applicant selling prohibited Scanted Tobacco and Gutkha at Bakery Shop, Muranjan Wadi, Behind Ruchi Hotel, Tunga Village, Saki Vihar Road, Powai, Mumbai. Thereafter informant along with two panch witnesses and team effected the raid on spot and found co-accused Sarfaraz Ahmed and found prohibited product Gutkha, Pan Masala worth of Rs.1,20,428/-. After that police prepared seizure panchnama of alleged muddemal and brought alleged muddemal and co-accused Sarfaraz Ahmed to Powai Police Station and registered crime No.550/2022.

3. The Ld. Advocate for applicant submitted that applicant is innocent and he has no concern with the alleged offence. Only with a sole motive to harass the applicant, he is falsely implicated in this crime. Nothing is remained to be recovered from him. He is ready to abide any condition imposed upon him. Lastly prayed to allow the application.

4. On the other hand, Ld. APP strongly opposed the bail application in view of reply at Ex. 2 & 3. It is submitted that offence is serious. If the applicant is released on pre arrest bail, there is possibility to pressurise the complainant and witnesses. He is habitual offender, therefore, prayed for rejection of the application.

5. Considering the submission of both sides and gone through the record, it appears that in FIR, the name of the applicant not appeared in the column of accused. It further appears that accused Sarfaraz Ahmed arrested and released on bail as per order of the Court. It further appears that already alleged muddemal taken in to custody by the police and panchnama prepared before panch witnesses. The allegations made against the applicant, in that regard he will face the trial. There is nothing on record to show the criminal antecedent against the applicant. Nothing is remained to be recovered from the applicant, therefore, custodial interrogation of the applicant is not warranted. However, the apprehension in the mind of prosecution that he will pressurise the complainant and witnesses, but the said care can be taken by imposing necessary conditions. In view of aforesaid grounds, I proceed to pass following order.

ORDER

1. Anticipatory Bail Application No.1882 of 2022 is hereby allowed.

2. In the event of arrest of the applicant-Faheem Ahmed Somani @ Faheem Ahmed S/o. Mohd. Hanif, he be released on bail on executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two surety/sureties of like sum in connection with Crime No.550/2022, registered with Powai Police Station for the offences punishable under Sections 328, 188, 272, 273 of IPC r/w. Section 59 of Food Safety and Standards Act 2009, on following conditions :

- i) He shall attend Powai Police Station on every Sunday between 10.00 am to 01.00 pm till filing of Charge-sheet and shall co-operate the I.O. in investigation.
- ii) He shall not pressurise the complainant and witnesses.

- iii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such a fact to the Court or to any police officer.
- v) He is directed to furnish his local & native address and his contact number to Powai Police Station.
- vi) Inform to the Powai Police Station.

3. Anticipatory Bail Application No.1882 of 2022 stands disposed of accordingly.

Dictated and pronounced in open Court.

(M.I. LOKWANI)

Dt. 01/12/2022

Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated to steno on : 01/12/2022
Transcribed by steno on : 01/12/2022
Checked & Signed by HHJ on : 05/12/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 05.12.2022 AT 04.50 p.m. NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	01/12/2022
JUDGEMENT/ORDER signed by P.O. on	05/12/2022
JUDGEMENT/ORDER uploaded on	05/12/2022