

Order below Exh.1 in Cri. Bail Application No.314 /2022
(Irfan Mahammad Saed Vs. State)

By this application, the applicant/accused 1 seeks bail u/s. 439 of the Cr.P.C. in Crime No.I-60 of 2022 registered with Mumbai Naka Police Station, Nashik u/ss. 188,272,273,328 r/w.34 of The Indian Penal Code(IPC) and u/s.26(2)(1) r/w/(1) (ZZ)r/w/27(3)(E)26(2)(4)r/w/30(2)(A),27(3)(D)r/w. 59 of The Food Safety and Standards Act, 2006.

2. The learned counsel Mr.J.S. Shaikh for the applicant submits that, applicant is innocent person and he has been falsely implicated. Applicant is ready to abide by any of the terms and conditions to be imposed by this Court. Section 328 of IPC is not applicable herein. Applicant is rickshaw owner. He was arrested on 03.03.2022 and at present he is remanded in judicial custody. He has got fix and permanent place of residence and undertakes to cooperate investigation.

3. Learned APP Mr. R.M. Baghdane, by filing pursis (Exh.4) adopted say (Exh.5) filed by Investigation officer (I.O.) and strongly objected this application. I.O. absent.

4. Perused record. In the present case, applicant was arrested on 03.03.2022 and at present he is remanded in judicial custody. Entire property has been recovered. Two accused persons are already enlarged on anticipatory bail bearing Criminal Bail Application Nos. 302/2022 and 306/2022. The offence is not punishable with death or life imprisonment. The applicant has got fixed and permanent place of residence. In the circumstance, custodial interrogation is not necessary. Learned APP strongly, objected this application on the grounds that, investigation is incomplete, co-accused are yet to be arrested. Custodial interrogation is required to find out as to who is real owner of the property, involvement of other accused persons and their whereabouts. Statements of witnesses are yet to be recorded, the accused may hamper or tamer prosecution witnesses or evidence and may abscond. However, they cannot be considered as satisfactory grounds to deny the bail. No purpose would be served

by keeping him behind the bar. Attendance and certain conditions may suffice the purpose. Consequently, applicant deserves bail. Hence, the following order.

ORDER

1. This application stands allowed.
2. Applicant Irfan Mahammad Saed, shall be released on bail on executing personal bond of Rs.30,000/- with one or two sureties in the like amount.
3. Applicant shall not leave India without prior permission of the Court.
4. Applicant shall not tamper with the prosecution witnesses.
5. He shall attend the police station on each Monday for one month between 11 a.m. to 01 p.m. or as and when called by I.O. under prior written intimation.
6. Bail before the concerned J.M.F.C. Court.

March 14th, 2022.

(S.T. Tripathi)
Additional Sessions Judge,
Nashik.