

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2674 OF 2015

Balaji s/o Santoba Borewad

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. S.C.Bhosale, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 26th JUNE, 2015

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PER COURT :

1. On the last date, this matter was heard in extenso. The Court was about to dismiss the present application. That time, learned counsel for the applicant sought time to make statement as to whether the present applicant has handed over all registers to the Investigating Officer. According to learned counsel, applicant has already handed over the stock register when he has attended police station in view of the interim order passed in his favour. Said statement is seriously disputed by the learned A.P.P. Upon instructions from the

Investigating Officer, learned A.P.P. has submitted that though the applicant has attended the police station, however, no register or any document was handed over by the present applicant to the Investigating Officer. Statement accepted.

2. In the present application, applicant is claiming anticipatory bail since he is apprehending his arrest in connection with Crime No. 12/2015 registered with Bhokar police station, dist. Nanded for the offence punishable U/s 3 and 7 of the Essential Commodities Act.

F.I.R. was lodged by Pravin Nandkumar Rushi, who is Nayab Tahsildar of Bhokar. According to F.I.R., on getting secret information, auto rickshaw bearing No. MH-26-G-1680 was intercepted, wherein it was found that the said rickshaw was carrying wheat and rice of the fair price shop in order to dispose of the said commodity in the open market for higher price. Present applicant's wife is having authorization to run fair price shop. As per the reply filed by the Investigating Officer, it is the applicant who conducts day to day business of said fair price shop. From the reply, it is clear that the present applicant has handed over commodity of wheat and rice to Ravi, who was the auto rickshaw driver.

The investigation is at preliminary stage. The essential commodities like wheat and rice meant for poor are being disposed of stealthily by the applicant in the open market at higher price. Tendency of such persons has to be curbed with iron hand. In fact, this is a crime against the society in as much as the essential commodities like wheat and rice meant for poor is sold in open market at higher price. Hence,

custodial presence of the applicant is warranted.

3. Present Criminal Application is rejected. Interim order passed by this Court on 26/05/2015 stands vacated.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 2674....2015