

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2697 OF 2015.

AVINASH SHANKAR-RAO PANPATTE.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. Sanjay Chaukidar, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 22nd June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.12/2015 registered with Police Station, Bhokar, District - Nanded for the offences punishable under Section/s 3 and 7 of the Essential Commodities Act.

[2] Heard Mr. Sanjay Chaukidar, learned counsel for the Applicant and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State.

[3] Investigating Officer has already filed his detail reply in the application. According to the prosecution case, Naib Tahasildar, Bhokar received secret information that the essential commodities like wheat, rice etc. which is allotted to the fair price shop is being transported for selling the same in the open market. After receipt of such information, he alongwith

police official went near the Bus stand and there he intercepted one auto rickshaw bearing registration No.MH/26/G/1680. Said auto rickshaw was plied by Ravi Narayan Geledar. It was noticed that said auto rickshaw was having six quintal of the wheat. Said auto rickshaw owner disclosed that said commodity was of Balaji. Present Applicant – Avinash is go-down keeper. According to the learned counsel for the Applicant, he has entrusted the commodity to the present Applicant who is entitled to receive the said commodity from the Government go-down. Suryakant Ganpat Isankar of village Therwan is the authorized person.

[4] Mr. Shinde, learned Additional Public Prosecutor has also stated that, the register which are seized from the go-down shows that, signature of Suryakant was obtained by the present Applicant. Thus, it is crystal clear that this Applicant has handed over the commodity to the authorized person. Thus, after handing over the commodity to the authorized person, he will not having any control of the said commodity. Further the statement of the present Applicant is also recorded by the Investigating Officer. Record is available in the government go-down.

[5] In that view of the matter, the Applicant is entitled for getting the discretionary relief in his favour, that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Interim order passed by the Hon'ble Vacation Judge (Coram : Smt. Sadhana Jadhav, J.) dated 26th May, 2015 is confirmed.

(iii) Applicant to attend Police Station, Bhokar once in a week, preferably on every Sunday and shall remain present in the said Police Station between 3.00 p.m. to 5.00 p.m., till charge sheet is filed.

(iv) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)