

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.495 OF 2015

Uttam Shankar Jagtap

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Umesh Mankapure for the Applicant

Mr.S.S. Pednekar, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 8, 2015**

P.C.:

1. This is an application for anticipatory bail as the applicant/accused is apprehending arrest in C.R. No.14 of 2014 registered at Vita police station, District Sangli, wherein he is prosecuted under section 420 of the Indian Penal Code.

2. The case of the prosecution that the applicant/accused was holding a Fair Price Shop licence and he used to sell wheat and rice at the said shop to the villagers, at a price which is fixed by the Government. However, he was involved in black marketing and in fact, he did not sell wheat and rice at the fixed rate i.e., Rs.2/- per kg. to the villagers. When the complaint was made against him, he made common affidavits and below which the signatures of the villagers alongwith the photographs

were prepared by him. It is the case of the prosecution that those villagers, who signed below the affidavits, were in fact not aware of the contents of the photographs and they blindly signed the affidavits and handed over the photographs to the applicant/accused under impression that they are just making a statement that the scheme of supplying foodgrains for Rs.2 per kg is to be continued and it is advantageous to them. On investigation, it was found that the persons who signed below these affidavits did not agree with the contents thereof and in fact he did not sell the foodgrains at the fair price i.e., Rs.2/- per kg. Hence, the offence was registered against him.

3. The learned Counsel for the applicant/accused has submitted that the case is lodged against him out of political vendetta. His wife is holding the post of a Sarpanch. Therefore, one of the villagers holding grudge against him and his wife, initiated this move. He argued that there is a delay in lodging this FIR. He submitted that the applicant/accused is innocent.

4. The learned Prosecutor while opposing this application relied on the counter affidavits filed by the persons, who have signed below the affidavits which were relied initially by the applicant/accused before the authority. He submitted that the applicant/accused was arrested and a criminal case for black-marketing is registered against him. The learned

Prosecutor has submitted that the applicant/accused did not sell foodgrains at the fair price to the villagers.

5. Perused the affidavits which were relied and submitted by the applicant/accused before the authority and so also the counter affidavits which are in the nature of statements of the villagers produced by the Investigating Officer. In those counter affidavits, the persons who have signed the earlier affidavits have specifically mentioned that the applicant/accused never sold foodgrains to them at Rs.2 per kg and he misled them and had obtained their signatures by misguiding them and they denied the contents in the earlier affidavits. *Prima facie*, it appears the applicant/accused is at fault in not providing the foodgrains at the fair price when he is holding a licence of fair price shop. However, the licence is rightly suspended by the authorities and I am informed that the said decision is upheld by the appellate authority. Moreover, the applicant/accused has attended the police station for more than 20 times after grant of pre-arrest bail. In my view, therefore, no custodial interrogation is required.

6. The application is therefore allowed on the following terms:

- i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;

- ii) The applicant shall not tamper with the evidence;
- iii) The applicant shall cooperate with the Investigating Officer and attend the concerned police station as and when called.

(MRS.MRIDULA BHATKAR, J.)