

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.75 OF 2015

Nilesh Keshavji Dedhia	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. P.A. Pol i/b. Pol Legal Juris, Advocate
for the Applicant.
Mr. S.H. Yadav, APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 02, 2015

P.C.

. Heard.

2. For the detailed reasons recorded in the order dated 16-01-2015 an ad-interim direction in terms of Section 438 of Code of Criminal Procedure has been passed in favour of the applicant in respect of C.R. No. 122 of 2014 registered way back in the month of July, 2014.

3. In spite of notice of the application being served, the prosecution has not filed say due to rationing officer being not available. The learned APP opted to argue the matter on the basis of papers of investigation.

4. The perusal of the interim order reveals that it was passed mainly on two counts i.e. the commodity seized wheat is not a scheduled commodity as per provisions of Essential Commodities Act, 1955 and secondly since the applicant is not running the shop his activity not covered under the provisions of Public Distribution System (Control) Order, 2001.

5. The papers of investigation does not reveal any material collected repelling the said reasons. In the circumstances, an ad-interim direction given is hereby confirmed on earlier terms and conditions. However, the applicant shall

now attend the investigating officer as and when summoned by him for the purposes of investigation.

6. Considering the circumstances in which the order is required to be confirmed, liberty to the prosecution to apply for cancellation of order in event of receiving any tangible material showing *prima facie* involvement of the applicant in commission of the offences as alleged.

Application stands disposed of.

(P.D. KODE, J.)