

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL ANTICIPATORY BAIL APPLICATION
NO. 1681 OF 2015**

Rupesh Nandkumar Thakare

.. Applicant

v/s.

State of Maharashtra

.. Respondent

Mr. Gaurav Parkar for the Applicant.

Mrs. R. V. Newton APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th DECEMBER, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.II 30/2015 registered at Panvel Police Station for the offences punishable under sections 3 and 7 of the Essential Commodities Act.

2. The case of the prosecution in brief is that on 08/09/2015, the complainant had received an information that rice, being an essential commodity, was being loaded from

Tempo No. MH-04 CA 1762 into Tempo No.MH 05 AM 1925. The complainant raided the said place and apprehended the driver and his associate and seized total 300 gunny bags of rice containing 150 quintal of rice. The case of the complainant is that the said rice was obtained from the Panvel Rationing Godown at Kalamboli. The complainant had, therefore, lodged a complaint, pursuant to which the aforesaid crime came to be registered.

3. Heard Mr. Gaurav Parkar, the learned counsel for the applicant and Mrs. R. V. Newton, learned APP for the State.

4. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. It is to be noted that the name of the applicant was not initially disclosed in the FIR. The name of the applicant was subsequently shown

in the remand application on the ground that the applicant owned a Fair Price Shop at Panvel. The learned counsel for the applicant has brought to my notice the report dated 15/09/2015, a perusal of which shows that the Fair Price Shop of the applicant was inspected by the Supply Officer and he had reported that there was no discrepancy in the food-grains which were available in the Fair Price Shop vis-a-vis the records maintained by the applicant. In the light of the said report, in my considered view, the applicant is entitled for the release.

5. Under the circumstances and in view of the discussions (supra), the application is allowed on the following terms and conditions:

I) In the event of arrest, the applicant shall be released on bail on furnishing bail bond of Rs.15,000/- with one surety in the like amount to the satisfaction of the JMFC, Panvel.

II) The applicant shall report to the Investigating Officer for a period of two days from 10.00 a.m. to 2.00 p.m. from the receipt of this order.

(ANUJA PRABHUDESSAI, J.)