

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1454 OF 2016

Rajendra Rangnath Gaware,
Age : 50 years, Occu. Business,
R/o Yeola Road, Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar

APPLICANT

VERSUS

The State of Maharashtra
through the Police Inspector,
Kopargaon City Police Station,
Tq. Kopargaon, Dist. Ahmednagar

RESPONDENT

Mr. V.D. Hon, Senior Advocate instructed by
Mr. A.V. Hon, Advocate for the applicant
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 07/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicant who is apprehending his arrest at the hands of Kopargaon City Police Station, District Ahmednagar in Crime No. I-10/2016, registered for the offences punishable under section 420, 465 of the Indian Penal Code and under section 3, 7 of the Essential Commodities Act, is praying for his release on

bail in the event of his arrest.

3. The allegations against the present applicant are that on 18th January, 2016, the Tahsildar, Kopargaon at 11.20 a.m. inspected the fair price shop of the present applicant. At that time, 10.18 quintals of wheat and 5.8 quintals of rice were found surplus upon comparing with the register of distribution. In the circumstances, it was alleged that the present applicant has managed to prepare forged receipts and therefore, the offence came to be registered.

4. Mr. V.D. Hon, learned senior counsel for the applicant submitted that in fact, there was no excess stock of wheat and rice in the shop. Only entry in the register was remained to be made. He further files on record the true copy of the order issued by the Deputy Commissioner (Supply) of Nasik Division, dated 22nd March, 2016. The same is accepted on record and marked "X" for the purpose of identification.

5. The above referred order dated 22nd March, 2016 would show that upon making detailed enquiry, it was found that there was contradiction in the panchanama

recorded by the police inspector and the panchanama prepared by the Tahsildar regarding the surplus grains found in the shop.

6. Considering all the material on record, in my view, the custodial interrogation of the present applicant is not required. Hence, the following order:-

7. The interim protection granted by this Court to the present applicant, vide order dated 14th March, 2016 is hereby made absolute on the same terms and conditions.

. The present application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1454-2016