

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6322 OF 2015

1. Munjaji @ Munja s/o Maroti Nagargoje
 2. Waman s/o Maroti Nagargoje
 3. Murli @ Murlidhar s/o Maroti Nagargoje ...Applicants
- versus
- The State of Maharashtra & anr. ...Respondents

.....
Mr. S. J. Salunke, Advocate for applicants
Mr. S. Y. Mahajan, A.P.P. for respondents
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CORAM : N.W. SAMBRE, J.

DATE : 19th JANUARY, 2016

ORAL ORDER :

Heard learned Counsel for the applicants. In view of *prima facie* case against applicant No. 1, prayer for grant of bail at the behest of applicant No. 1 is not pressed, as such, dismissed.

2. So far as applicant Nos. 2 and 3 are concerned, Mr. Salunke, learned Counsel for the applicants would urge that they are seeking pre-arrest bail in Crime No. 3134 of 2015 registered on 28th October, 2015 for the incident of same date i.e. 28/12/2015 under the provisions of Sections 3 and 7 of the Essential Commodities Act.

3. Mr. Salunke, learned Counsel for the applicants would urge that apart from non mentioning of specific violation of the Orders of the Essential Commodities Act, perusal of F.I.R. would depict that all three applicants, who are real brothers are implicated as accused, though applicant Nos. 2 and 3 have no connection with the crime in question. He would place reliance upon the documents which are produced so as to substantiate their occupation.

4. According to him, stock is already seized, so also, vehicle is released, as such, custodial interrogation of the applicants is not necessary.

5. Learned A.P.P. has strenuously opposed the application on the ground that custodial interrogation of the applicants is necessary. The applicants have committed an offence against the society as the provisions of Sections 3 and 7 of the Essential Commodities Act are violated. When confronted, he is unable to inform as to which Order under Essential Commodities Act is violated.

6. Apart from above, having considered the rival submissions, in my opinion, once the investigation is over and stock

is already seized and custody thereof is handed over to applicant No.1-accused, custodial interrogation of applicant Nos. 2 and 3 will be of hardly any necessity. As such, the application is allowed. Hence, the following order.

In the event of arrest, applicant Nos. 2 and 3 be released on bail, in connection with Crime No 3134 of 2015 registered with Gangakhed Police Station, Dist. Parbhani for the offence punishable under Sections 3 and 7 of Essential Commodities Act, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount, by each of them. The applicants shall attend the concerned police station on 21st and 22nd January, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called by the Investigating Officer.

7. The application is allowed in above terms.

[N.W. SAMBRE, J.]