

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3572 OF 2016

SHRI SOPAN BALAJI KHILLARI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. V.D. Sapkal
APP for Respondents: Mr. S.D. Ghayal

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CORAM : V. K. JADHAV, J.
DATED : 18th JULY, 2016

PER COURT:-

1. Heard learned counsel for the applicant and the learned A.P.P. for the respondent-State.

2. On the basis of complaint lodged by one Mahesh Bhausaheb Mhaske, a senior clerk, Tahsil Office, Newasa, crime No. II-50 of 2016 for the offences punishable under Sections 3 and 7 of Essential Commodities Act came to be registered at police station, Newasa, district Ahmednagar. It has alleged in the complaint that on 17.6.2016, the villagers of village Nimbhari informed to the Tahsildar, Newasa, on his mobile that the goods from the fair price shop, allotted to the applicant, are being sold in black market. Furthermore, the villagers stopped the Scorpio vehicle along with the goods. Subsequently, the Naib Tahsildar went to the said place with staff. Accordingly the said vehicle was taken into the custody and goods

were also taken to the police station. Furthermore, the fair price shop run by the applicant came to be sealed. On the basis of these allegations, the applicant apprehends his arrest at the hands of police and therefore, filed present application for pre-arrest bail. His application with similar prayer came to be rejected by the Additional Sessions Judge, Newasa by order dated 27.6.2016 in Misc. criminal application No. 92 of 2016.

3. Learned counsel for the applicant submits that the investigation in the present case is almost over and the formality of filing charge sheet is only remained. Furthermore, whatever the allegations in respect of fair price shop is concerned, the goods are already recovered and even fair price shop run by the applicant is also came to be sealed. In view of this, custodial interrogation of the applicant is not required. Furthermore, the applicant is ready to co-operate with the police in carrying out investigation in the crime.

4. Learned A.P.P. submits that there are serious allegations made against the applicant and prima facie there is evidence to show that the goods of fair price shop are being sold in the black market. There is some difference in the entries taken in the stock register and the sale register and the same un-mistakenly points out that the applicant has violated the provisions of Essential Commodities Act.

5. It appears from the contents of complaint that two quintals of wheat and 4 quintals of rice came to be seized by the Naib Tahsildar and thereafter, the fair price shop of the applicant came to be sealed by the authorities. In view of the above, custodial interrogation of the applicant is not required. The antecedents of the applicant are clear and he is not likely to be absconded. There is no question of tampering with the prosecution evidence. Thus, by imposing certain conditions, the applicant can be released on pre-arrest bail. Hence, the following order:-

O R D E R

- I. Criminal application is hereby allowed.
- II. In the event of arrest in crime No. II-50 of 2016, dated 17.6.2016 registered with Newasa police station, district Ahmednagar for the offences punishable under sections 3 and 7 of Essential Commodities Act, the applicant Sopan Balaji Khillari, be released on bail on his furnishing personal bond of Rs.10,000/- with one surety in the like amount on condition that he shall attend the concerned police station once in a week on every

Sunday between 9.00 a.m. to 11.00 a.m. till filing of the charge sheet and fully co-operate with the investigating officer in carrying out the investigation.

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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