

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.300 OF 2016

Vivek Nivruti Shinde.

..Applicant.

vs.

The State of Maharashtra.

..Respondent.

Mr. Ajinkya N. Pokharkar i/by Ms. Sartaj Shaikh for the Applicant.

Smt.PP.Shinde, APP. for the State.

Mr. Mahendra More-I.O./PSI from Goregaon Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 02nd March 2016

P.C.

The applicant is apprehending arrest in Special LAC No.11/2016 dated 29.1.2016 registered with Goregaon Police Station, Mumbai under the provisions of Section 3,7,8 and 10 of the Essential Commodities Act, 1955 and under Rules 2,3,4,8 and 10 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order 2000.

The first information report is lodged by the Assistant Controller of Rationing. It is stated that on 29.1.2016 the said officer conducted a raid at M/s. Javeri Gas Service at Goregaon. At that time, it was found that certain cylinders which were found at the said shop were not entered into the register. The Applicant was working as Manager of the said establishment. The allegation against the applicant is that he did not maintain the register pertaining to the said essential commodity properly and there was variance in the actual stock and entries in the stock register. In the

premise, the first information report is lodged.

2) The learned counsel for the applicant submitted that the owners of the said Javeri Gas Service have been granted pre-arrest bail by the learned Trial Court. He further submitted that the applicant was the employee of the said M/s. Javeri Gas Service and non mentioning of the cylinders in the register was a mistake at the hands of the applicant. The applicant did not have any intention to give any incorrect information in the register. He submitted that custodial interrogation of the applicant is not necessary and he may be protected by way of pre-arrest bail.

3) I have perused the documents annexed to the present application. It appears that the applicant was an employee of the said M/s. Javeri Gas Service and has committed the mistake in not entering the correct number of gas cylinders in the register which was maintained by the said agency. The said register has already been seized by the police during the course of investigation. After taking into consideration the facts of the present case I am of the opinion that the custodial interrogation of the applicant is not necessary, however, the applicant can be directed to attend the Investigating officer and to join the process of investigation till the filing of the charge sheet.

Hence, the following order.

ORDER

a) In the event of arrest of the applicant in Special LAC No.11/2016 registered with Goregaon Police Station, Mumbai the applicant shall be released on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

- b) The applicant shall attend the Investigating Officer as and when called for between 11.00a.m. to 1.00 p.m. It is needless to mention that before calling the applicant to the police station the Investigating Officer shall issue a notice under Section 160 of the Cr.P.C.
- d) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)