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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1089 OF 2016

Dinesh Hansaraj Patil	 Applicant
V/s.	
The State of Maharashtra	 Respondent.

Mr. Gaurav Parkar, for the Applicant.
Ms. R.M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 15th JULY, 2016.

P.C. :

1. The applicant/accused, in crime No.88 of 2013, registered with Revdanda Police Station, District: Raigad, for the offences punishable under Sections 406, 465, 468, 420, 471, read with 34 of the Indian Penal Code, at the instance of Vinod Pandurang Patil, by this application is praying for pre-arrest bail.
2. Heard the learned counsel for applicant. He argued that applicant is Assistant Fishing Development Officer (Licensing) and his main duties consists of issuing licence for fishing. The learned counsel further argued that applicant is not in any way concerned with the crime in question.

3. The learned APP opposed the application by submitting that the applicant had issued licence to several fishing vessels registered in the name of some other persons than real owner thereof.

4. Perused the F.I.R. as well as papers of investigation. It is seen that the applicant/accused was posted as Assistant Fishing Development Officer(Licence), Murud, for the period 1.3.2007 to 30.9.2007. It is averred that in the F.I.R. that the informant is carpenter by occupation and he is not doing any occupation as fisherman. The informant averred that he found that in his name fishing vessel came for registration with Maharashtra Maritime Board and the office bearers of Sagarputra Macchimar Sahakari Sanstha Maryadit, has claimed for subsidy for diesel, in respect of fishing vessel registered in the name of informant.

5. So far as present applicant is concerned, his role is to issue licence permitting fishing vessels to carry on activities of fishing in the specified area. As per Maharashtra Marine Fishing Regulation Act, 1981, fishing in sea is required to be done strictly as per provisions of this Act. Section 4 of the said Act empowers State Government to regulate fishing in any specified area by fishing vessels. As per provisions of 6 of the said Act, owner of the fishing vehicle is required to make an application to the Licensing Officer, for grant of licence for using such fishing vessel for

fishing in any specific area. In the case in hand, present applicant had issued licence to the fishing vessel in pursuant to applications made by owner thereof. It is seen that fishing vessel is required to be registered with Maritime Board and subsequently it has to apply for licence for fishing.

6. Perusal of the report submitted by the Director of Fishing shows allegations against present applicant. It is averred that the applicant had not inspected fishing vessel to ascertain equipment and that vessels were not adequately insured. Prima facie this appears to be service misconduct rather than offence punishable under Indian Penal Code. In this view of the matter, custodial interrogation of the applicant is not warranted. Therefore, following order.

Order

- I) The application is allowed.
- II) In the event of arrest of applicant, in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.5,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the office of Economic

Offence Wing, Superintendent of Police, Raigad, District: Raigad, at Alibag, on 07.08.2016 and 13.08.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.

V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]