

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1193 OF 2016

Smt. Gayatri Ramlal Rastogi.	... Applicant.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Niranjan Mundargi i/b. Mr. Tarun S. Sharma, advocate for Applicant.

Ms. J.S. Lohokare, APP for State.

Mr. Santosh G. Kamble, PSI, Tilak Nagar Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 14, 2017**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused papers.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending her arrest in Crime No. 93 of 2016 registered at Tilak Nagar Police Station for

offence punishable under section 3, 7, 8, 9 of Essential Commodities Act, 1955. By an order dated 19/7/2016 the applicant was granted interim protection by this court by speaking order. The applicant herein has been saddled with the penalty to the extent of Rs. 2,60,655/- and the same is deposited. It is not the case of the prosecution that the applicant has committed breach of any conditions imposed upon her. It is also submitted that the licence granted in favour of the applicant was suspended and has been revoked by the order dated 10/2/2017 by the Minister of Food and Civil Supplies. The Investigating Agency/prosecution would be at liberty to challenge the said order before appropriate authority. Taking into consideration the above aspects, the order dated 19/7/2016 deserves to be confirmed on the same terms and conditions.

3 However, the observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall

not be taken into consideration while deciding application for quashing of FIR or discharge or at the time of trial.

4 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of applicant in Crime LAC No. 93 of 2016 registered by Tilaknagar Police Station, she shall be released on bail on her executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall attend Investigating Officer as and when called and cooperate with the Investigating Agency to the best of her capacity.

5 The application stands disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)