

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 609 OF 2017

(Rafiq Baig Shabbir Baig..vs..State of Maharashtra, through
PSO.PS.Bhatkuli,District-Amravati)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.A.Dhawas, Advocate for applicant.

Shri Indranil Damle, A.P.P.for State- non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 5, 2017

This is an application for pre-arrest bail.

Heard learned counsel for applicant and learned
A.P.P. for State-non-applicant.

The applicant is shown as accused in Crime
No.114/2017, registered with P.S.Bhatkuli of District
Amravati for the offence punishable under Section 420 of the
Indian Penal Code and Sections 3 and 7 of Essential
Commodities Act,1955.

According to learned counsel for the applicant, the
applicant is falsely implicated in the crime. He has further
submitted that he has already distributed the commodities to
the beneficiaries. It is his further submission that for the first
time the applicant is facing prosecution. He submitted that
applicant is aged about 70 years and therefore leniency
should be shown.

The F.I.R. is lodged by Dr.Ajitkumar Vasant Yele.
As per the F.I.R. applicant runs authorised shop to distribute
the essential commodities at village Krunmochan, Tahsil-

Bhatkuli,District-Amravati. Instead of distributing or selling the same to the beneficiaries he sold the same in a open market. In that behalf the beneficiaries lodged complaint with the authority and after a detailed inquiry it was noticed by the authority that there is some grain of truth in the complaint filed by the beneficiaries. As per the F.I.R. on 4/7/2017 for the month of June-2017, wheat 11.34 quintal and rice 16.26 quintal were dispatched and was unloaded at the shop run by the applicant. However, when the authority inspected the necessary documents and register it was noticed that the entry of the same was not taken in the stock register. That in my view gives corroboration and support to the complaint given by the beneficiaries that the stock was sold directly by the present applicant in open market.

The learned counsel for the applicant submits that he wish to file documents on record. At this stage, the detailed inquiry in that behalf is not necessary since it will prejudice the case of the present applicant and also the prosecution. Since the applicant who was expected to run the ration shop in accordance with the rules and authorisation was found to be committing the breach resulting into direct impact on the beneficiaries. In my view, no case is made out. Application is rejected.

JUDGE