

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2334 OF 2018

Sanket Sugandh Chavande	...Applicant
Versus	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 2335 OF 2018

Shrinivas Vasant Varavadekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rakesh Bhatkar, for the Applicant.
Mr. Ameet Palkar, APP for the State/Respondent.

CORAM: A. S. GADKARI, J
DATED: 12th December, 2018

PC:-

1. These are the applications under Section 438 of Criminal Procedure Code. The Applicants are apprehending arrest in CR No.312 of 2018 dated 19th October, 2018, registered with Ratnagiri City Police Station, under Sections 143, 147, 149, 120-B, 341, 323, 504, 506 and 427 of Indian Penal Code.

Heard the learned Counsel for the applicants at length and the learned APP. Perused the record.

2. The first information report is lodged by Dr. Jyakraishna Shrirang Phad, District Supply Officer, Ratnagiri.

The prosecution case in brief is that, the tender for transportation of food grains from Public Food Distribution Scheme was allotted to M/s. Creativity Grains and Transportation Services Ltd., Andheri, Mumbai, of which Mr. Ramesh Shah is the owner. The applicants are members of Ratnagiri Motor Chalak Association, Ratnagiri. That due to some disputes between the members of the said association and Government authorities, a meeting was called at Mantralaya, wherein the Collector of Ratnagiri, Principal Secretary of the concerned department and Hon'ble Minister for Food Supply, were present. It is alleged that, at that time, the applicant Sanket threatened the Government Officers with dire consequences, if they enter the jurisdiction of Ratnagiri. It is further alleged that, on 15th October, 2018 at about 9.45 am. at Salvi Stop, Ratnagiri, when the vehicle of Mr. Shah was in process of transporting food grains for public distribution scheme, applicants along with other accused persons stopped the said vehicle threatened the driver and abused him. They also caused damage to the said truck. It is alleged that, due to the act committed by applicants herein, the Government was unable to provide necessary food grains to the needy persons. It is further alleged that the applicants in connivance with the other accused persons created reign of terror in the city and

therefore it was difficult for the Government vehicles to do transportation of the food grains pertaining to public distribution scheme.

3. The learned Counsel for the applicants submitted that, the said Mr. Ramesh Shah had taken vehicles from applicants and another persons on rental basis and as their payments were not made in stipulated period, they performed agitation and a representation was accordingly made to the Collector, Ratnagiri and the Hon'ble Minister of Food and Civil Supply Department. He further submitted that the applicants herein have no concern with the commission of the alleged offence as they are law abiding citizens. He therefore prayed that, the applicants may be protected by pre-arrest bail.

4. The investigating officer Mr. Nilesh Shinde, Assistant Police Inspector attached to Ratnagiri City police station has filed an Affidavit dated 22nd August, 2018 and placed on record the progress of investigation. It is stated that, the applicant Sanket Chavande is involved in eight other crimes reported in the vicinity of Ratnagiri city and is an habitual offender. The record of investigation indicates that due to the act of the applicants, the transportation system for Public Food Distribution Scheme was obstructed and the first informant i.e. the District Supply Officer was restrained from discharging his

official duties. The first information report has categorically mentioned that the applicants have extended threats to the Collector of Ratnagiri and other Government Officers stating that the said Government Officers will not be permitted to enter into the Ratnagiri city if the demands of the applicants are not fulfilled by the Government. The investigation carried out till date clearly discloses the complicity of the applicants in the present crime. It is therefore necessary for the police to thoroughly interrogate the applicants to find out the entire truth behind the crime and the same is not possible without their being custodial interrogation.

5. In view of the above and after taking into consideration the serious allegations against the applicants and the gravity of the offence, this Court is of the considered view that the applicants do not deserve to be protected by pre-arrest bail.

6. Applications are accordingly rejected.

[A. S. GADKARI, J.]