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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 2044 OF 2017

Mahendra Sahebrao Bhalerao	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Sanjeev P. Kadam, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. I. M. Mulla, Constable, Sangli City Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : APRIL 11, 2018

PC :-

1. This is an application for anticipatory bail filed in C. R. No. 143/2017 registered by Sangli City Police Station for the offences punishable under Section 406, 409, 417, 420 read with 34 of Indian Penal Code and Section 3 and 7 of Essential Commodities Act, 1955. Learned APP, on instructions, makes a statement that charge-sheet in this crime shall be filed within one week's time before the competent Court. It is alleged that Applicant by adulterating petroleum products at pump's outlet, sold said product to the public at large. Learned

counsel for Applicant submits that other four co-accused are already released on bail, who are employees of Applicant.

2. Applicant is found protected by interim order of this Court dated 22nd November, 2017 and admittedly, Applicant has complied with directions to attend the Investigating Officer. According to Applicant, he is falsely involved in this crime by others who were also aspiring to run petrol pump, and in fact, has stated that on the date of incident, he was not in the town since, since he was travelling out of Sangli. Said fact is sufficiently found corroborated from the document placed on record in support of application, which is rail ticket of the relevant date. Though there are no names of Applicant and other family members on the rail ticket, in para 6 of the application, it is specifically pleaded that on 25.9.2017 Applicant, who is stated to be 42 years old, has left Sangli alongwith his parents to his native place. In view of case of Applicant of his false implication as he was an allottee of outlet in S. C. category, possibility of his false implication cannot be ruled out. Even otherwise, it is prima facie found that Applicant was not present at the outlet at the time of alleged incident.

3. In that view of the matter, interim protection granted on 22nd November, 2017 stands confirmed on the same terms and conditions with a direction to Applicant to attend the Investigating Officer, if called till filing of charge-sheet.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath