

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

ANTICIPATORY BAIL APPLICATION NO.1216 OF 2019

Sunil Gunwantraai Doshi

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Ms.S.P. Kayande i/b. Prashant G. Kayande, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PSI Mr.U.S. Borse, Dindori Police Station, Nashik, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.416/18 registered with Dindori Police Station, Nashik, under sections 2 (h), (n) (p), 3, 4, 5, 6, 7, 8 (1) (2), 9, 12, 13, (1)(2) (4) 14(1)(2), 19 (b)(c), i, ii, iii, v, vi, vii, 20 21, (A), 35, (1)(2), (4) Fertilizer (Inorganic, Organic or Mixed) (Control) Order, 1985 and under sections 3 and 7 of Essential Commodities Act.

2. The allegations in the FIR are that the Applicant had imported certain Fertilizers which were prohibited under the aforementioned Act. Therefore he had committed the said offence. The FIR gives a list of those fertilizers.
3. Learned Counsel for the Applicant submitted that unless those articles are mentioned in the schedule under the aforementioned order, no offence is made out.
4. Learned APP on instructions of the Investigating Officer who is present in the Court makes a statement that the investigating agency does not want the Applicant's custody for the purpose of investigation. However, his presence is required at the time of filing of the charge-sheet and during the pendency of the Court proceedings. In view of this clear statement, since the custodial interrogation of the Applicant is not necessary as stated by the Investigating Officer, the Applicant is protected by the order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.416/18 registered with Dindori Police Station, Nashik, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend all the dates before the trial Court and shall cooperate with smooth conduct of the trial.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)