

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 ANTICIPATORY BAIL APPLICATION NO.33 OF 2021

JUGALKISHOR OMPRAKASH DARAK
VERSUS
THE STATE OF MAHARASHTRA

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Mr. N.S. Jaju, Advocate for the applicant.
Mr. A.S. Shinde, A.P.P. for respondent - State.

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CORAM : **PRAKASH D. NAIK, J.**

DATE : 25-11-2021

ORDER :

1. This is an application for anticipatory bail in Crime No.559/2020 registered with Gangakhed Police Station, District Parbhani for the offences punishable under Sections 3 and 7 of the Essential Commodities Act.

2. The case of prosecution apparent from the F.I.R. is that, on 27th December 2021 at about 6.00 p.m. co-accused Tukaram Mundhe was found in possession of fair price shop rice worth Rs. 1,77,750/- loaded in Eicher tempo standing in front of his shop Pawan Traders. On inquiry with him he stated that the rice was sold to the applicant. The driver of tempo had managed to flee from the place of incident.

3. Tukaram Mundhe was arrested and he has been granted bail.

4. Learned Counsel for the applicant, on instructions, submits that the driver is also arrested and granted bail.

5. Thus, the case of the prosecution against the application is that rice which was found in the vehicle, which was stationed near the shop of the arrested accused. It was allegedly sold to applicant. However, during the investigation no cogent evidence was gathered to establish that it was purchased by the applicant.

6. In the circumstances custodial interrogation of the applicant is not necessary. The applicant was granted interim protection vide order dated 8th February 2021. He was directed to attend the concerned police station as and when called by the Investigating Officer and co-operate. He was also directed not to tamper the evidence or influence the witnesses. It is not clear whether the applicant was called for interrogation by the Investigating Officer at any point of time. In these circumstances, this application can be allowed. Hence, the following order.

ORDER

- (I) ABA No. 33 of 2021 is allowed
- (ii) In the event of arrest of the applicant in Crime No.559/2020 registered with Gangakhed Police Station, District Parbhani, the applicant be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

- (iii) The applicant shall appear before the Investigating Officer as and when called for.
- (iv) Application stands disposed.

(PRAKASH D. NAIK, J.)

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