

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 165 OF 2021

Nagshetty Shivraj Sajjanshetty,
Age : 39 years, Occu. Business,
R/o Khatak Chincholi, Tq. Bhalki,
Dist. Bidar, Karnataka

APPLICANT

VERSUS

The State of Maharashtra,
through the Police Officer,
Osmanabad Police Station (Rural),
Tq. Osmanabad, Dist. Osmanabad

RESPONDENT

Mr. Avinash R. Borulkar, Advocate for the applicant
Mr. V.M. Kagne, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 07.06.2021

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure as the applicant is apprehending his arrest in connection with Crime No.232/2020 registered with Osmanabad Rural Police Station for the offences punishable under Sections 3 and 7 of the Essential Commodities Act.

2. A truck transporting rice in bags, some of which were having specific identification marks of Public Distribution Systems of four different

States, was intercepted at Yedshi. The bags were sealed. The truck was seized. Since no plausible explanation was coming forth, a report was lodged and the offence was registered.

3. The learned Advocate for the applicant would point out from the registration certificate of his establishment issued by the Government of India in Form GST REG-06 that the applicant has been running an establishment with a specific name and style as M/s Ayyappa Trading Company and Commission Agent at Khathak Chincholi, Taluka Bhalki in Karnataka State. He would further point out from the vouchers that in fact, 30,000 Kgs. of rice was purchased by one M/s Gayatri Trading Company from the Food Corporation of India, which, in turn, was sold to one Shivashankar Traders, Bhatambra and ultimately it was sold to an establishment from Gujarat State. The applicant had no nexus with any of these transactions. He is a businessman and would be put to disrepute if he is allowed to be arrested without assurance of bail. He is ready to cooperate the Investigating Officer and may be granted anticipatory bail.

4. The learned A.P.P., referring to the papers of the investigation, would strongly oppose the application. He would submit that the very fact that some of the gunny bags were having specific identification marks of Public Distribution Systems of four different States is sufficient to entitle the Investigating Officer to carry out the investigation, even by resorting to custodial interrogation of the applicant. He would point out that the driver

of the truck, who is also a co-accused, has specifically disclosed about having loaded these bags at the establishment of the applicant. At this juncture, this piece of material is enough to disclose involvement of the applicant in the crime. His custodial interrogation is necessary to ascertain as to wherefrom had he procured these rice bags.

5. I have carefully gone through the papers of investigation. At the outset it is necessary to note that the stand the applicant is now taking is not consistent with his stand before the Collector in a proceeding under Section 6 of the Essential Commodities Act. Pertinently, it was a common appearance on behalf of him and the driver of the truck and at no point of time, any such stand disowning everything was taken by the applicant before the Collector.

6. Besides, at this juncture, the very fact that some of the rice bags were having specific stamps of Public Distribution Systems of Punjab, Hariyana, Madhya Pradesh and Orissa is indicative of the fact that there must have been some deep rooted racket which can be unearthed only by resorting to custodial interrogation of the applicant, which seems to be highly imperative.

7. The application is rejected.

[MANGESH S. PATIL]
JUDGE

