

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.205 OF 2021

**VINOD KUNDLIK JADHAV
VERSUS
THE STATE OF MAHARASHTRA**

...
**Advocate for Applicant : Mr.D.M.Shinde
APP for Respondent: Smt.G.L.Deshpande**

...

**CORAM : MANGESH S. PATIL, J.
DATE : 26.04.2021**

PC. :-

Apprehending his arrest in connection with Crime No.26/2021 registered with Hingoli Rural Police Station, District Hingoli for the offences punishable under Sections 420, 468, 471 read with Section 34 of the I.P.C. and under Section 7 read with Section 3 of the Essential Commodities Act, the applicant is seeking bail in the event of his arrest.

2] The F.I.R. has been lodged by a Police Sub Inspector of Crime Branch, Hingoli, to the effect that while he alongwith his team was on a patrolling duty, he received a tip off and intercepted a truck in which number of wheat bags were being transported. One Kishan Nagorao Dhulgunde was driving the truck. He could not give satisfactory explanation about the place of loading and the destination as well as ownership of the grain. He was served with a notice and the truck as well as the bags of grain were handed over to him to hold in custody pending further inquiry. It is then alleged that on the next day i.e. 5/2/2021, he produced a Gate pass purportedly that of Agriculture Market

Produce Committee, Mangarulpur for taking out grain from its premises, a receipt of Jadhav Ginning, Karanja Road, Mangals, Tq. Mangarulpur, a weighing slip of the APMC and a transport receipt. It is alleged that on inquiry with the APMC, it transpired that the Gate pass was forged one. On further interrogation driver Kishan disclosed that he had loaded the truck for being carried to Hyderabad for sale of grain in a black market on the instruction of the applicant and his Accountant. Accordingly the offence was registered and the investigation is in progress.

3] The learned advocate for the applicant would submit that the applicant is being falsely implicated. He is licence holder of the concerned APMC who is authorised to purchase grain in its premises. There is no reason why he would indulge in preparation of a bogus Gate pass. The grain and the vehicle have already been seized. His custodial interrogation is not necessary. He is ready to cooperate the Investigating Officer. There is no breach of any order promulgated under Section 3 of the Essential Commodities Act and consequently no charge for the offence punishable under Section 7 of that Act can be levelled. There is no reference to any breach of the order even in the F.I.R. The applicant being a businessman would be put to disrepute, if he is allowed to be arrested without assurance of bail.

4] The learned A.P.P. opposes the application. She submits that the offence is serious. Apart from the fact that it is a case for commission of an offence under Essential Commodities Act, it is also a matter of forgery and use of forged document. She submits that during investigation it transpired that the Gate pass produced by the driver Kishan is forged one. The APMC has specifically denied the genuineness of the Gate-pass. Considering the

voluminous grain that was being transported suspiciously there is every reason for the Investigating Officer to believe that it was being illegally transported. The investigation being at a preliminary stage, the Investigating Officer will have to be given sufficient opportunity to collect evidence by resorting to custodial interrogation of the applicant, if necessary. There is no reason why the driver of the truck Kishan would disclose involvement of the applicant. Considering the serious nature of the crime, the application be rejected.

5] The learned A.P.P. would further submit that there are criminal antecedents. The applicant has been involved in 3 crimes of the same kind and therefore even for this reason the application be rejected.

6] I have carefully gone through the papers of the investigation. The statement of the driver of the truck may not be admissible in evidence during the trial but the Investigating Officer may take a clue from whatever is being disclosed by co-accused and undertake the investigation accordingly.

7] *Prima facie* there is no explanation to be found and even the applicant has not been able to put forth any reason as to why the driver of the truck Kishan would name him falsely. At this juncture, therefore, relying upon the statement of Kishan, involvement of the applicant and his Accountant-Munim is apparent on the face of the record.

8] Apart from the offence punishable under the Essential Commodities Act, it is also being simultaneously alleged that the applicant has indulged in forgery and has used forged document to deceive the investigating machinery.

At this stage, the fact of production of the forged Gate-pass before the informant Police Officer, is indeed a serious matter wherein custodial interrogation of the applicant and his Accountant Munim is highly imperative.

9] It is also pertinent to note that it cannot be a sheer co-incidence that the applicant has been involved in similar offences earlier on 3 occasions which makes it abundant clear that he is a person who has least inhibition in indulging in criminal activities.

10] Considering all the aforementioned facts and circumstances, in my view, the applicant is not entitled to the discretionary relief of anticipatory bail.

11] The application is rejected.

[MANGESH S. PATIL, J.]

umg/