

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 ANTICIPATORY BAIL APPLICATION NO.1142 OF 2021

GAJANAN MACHINDRA GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

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Mr. A.P. Avhad, Advocate for the applicant.
Mr. S.B. Narwade, A.P.P. for the respondent - State.

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

DATE : 08-10-2021

ORDER :

1. The applicant is apprehending arrest in CR No. 427/2021 registered with Satara Police Station, Aurangabad under Sections 3 and 7 of the Essential Commodities Act.
2. The First Information Report was registered on 3rd September 2021. The case of the prosecution is that, information was received that L.P. Gas meant for domestic purpose and fuel purpose was being utilized. There was a complete set-up. One person was found present at the scene of the offence. He was arrested and subsequently remanded to custody. During the course of his interrogation, he disclosed the involvement of the applicant and co-accused.
3. The applicant had preferred application for anticipatory bail before the Sessions Court which has been rejected by order dated 20th September 2021. While rejecting the said application, the

learned Sessions Judge has observed that the investigation is in progress. As per the prosecution, the applicant is the main source of bringing L.P. gas cylinder meant for domestic purpose and use. The presence of accused is necessary to find out the source of gas cylinder and any hidden links involved in the alleged crime. There is possibility of big racket involved in the crime and as such hidden links are required to be detected. Otherwise the main culprits would go away.

4. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in this case on account of enmity. He has no connection with the present transaction. He is not involved in the business of providing gas. He is in the laundry business. The place where the incident had occurred does not belong to him. There is no connection whatsoever of the applicant with the incident. Hence, the applicant may be granted anticipatory bail.

5. Learned A.P.P. submitted that the offence is of serious nature. The gas is meant for domestic purpose. The accused are indulging in black marketing of essential commodity. The investigation requires to be conducted thoroughly. Source of L.P. Gas was required to be found out for which custodial interrogation of the applicant is necessary. He pointed out the investigation papers and contended that the investigation discloses the involvement of the applicant. The co-accused, during interrogation, has disclosed involvement of the applicant in the crime. It is disclosed that the

applicant was providing gas.

6. I have perused the First Information Report and investigation papers. It is noted that the investigation is in progress. Accused No. 3 was found at the scene of the offence. Co-accused has disclosed involvement of the applicant. Investigation is required to be conducted to find out the source of L.P. Gas.

7. Considering the factual aspect, no case for grant of anticipatory bail is made out by the applicant. Hence, the application is rejected.

(PRAKASH D. NAIK, J.)

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