

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

CRIMINAL BAIL APPLICATION NO.1089 OF 2021

Krushna Damo Pawar

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.M. V. Thorat, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th JUNE, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.274/2020 registered with Panvel City Police Station, Navi Mumbai, under sections 3, 7, 8, 9, 10 Essential Commodities Act 1955 and under sections 120-B, 420, 465, 468, 470, 471 r/w 34 of the Indian Penal Code and along with similar other offences.

2. The prosecution case is that, on 31/07/2020, Circle

Officer with his team conducted raid at 'Take Care logistic' and seized 2220 gunny bags of rice worth almost more than Rs.33 lakhs. The gunny bags were having stamps of government distribution agencies namely Food Corporation of India and other agencies of different state governments. The investigation revealed that the food grains which were sent to various ration shops were collected and kept together in that particular godown for exporting it illegally. The investigation led to other companies namely Jay Anand Food Industries and Jay Food Products. There also some empty gunny bags bearing stamps of different state governments were found.

3. The investigation further led to various transporters who had either collected those food grains or had carried for exporting it. Investigation led to one Sunil Rathod, who was a tempo rikshaw driver, who in turn gave names of different persons from whom he had taken those food gains. The Applicant was one of them. His shop was at District Vijapur, Karnataka State. There are allegations that some food grains

were purchased from his shop which actually were to be sold to ration card holders. On this basis, the FIR was lodged.

4. Heard Mr.M. V. Thorat, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.

5. Learned counsel for the Applicant submitted that he is arrested in connection with this case on 02/09/2020. Almost 10 months have passed. Maximum punishment is 7 years. He submitted that he is a only small player in the entire scheme. He has lost his license and the shop is allotted to someone else. Thus, he has already suffered damage because of his alleged act. Learned counsel for the Applicant further submitted that the only evidence against the present Applicant would be in the nature of statement of Sunil Rathod and the persons who were on the register of that shop. Sunil's statement shows that very small amount of Rs.5,000/- was given to the Applicant and small quantity of goods were given by the present Applicant. There are statements of witnesses who were on the register on that shop

and who had not received their quota of food grains. He submitted that even these statements are not supported by the investigation and material collected in that behalf. Mr.Thorat submitted that another co-accused Pramod Digambar Sawant, who was similarly placed, was granted bail by Panvel Court and therefore on the ground of parity, the Applicant deserves same assured.

6. Learned APP opposed this application. He relied on the affidavit of the Investigating Officer, filed in this connection. He emphasized on the fact that the Applicant had deprived poor people of their legitimate quota of ration and instead it was given to the main accused illegally.

7. I have considered these submissions. As pointed out by learned counsel Mr.Thorat, Sunil Rathod's statement speaks about only a small quantity of goods, which was purchased from the Applicant. Considering the total quantity, mentioned in the investigation story, this is a very small portion. Even otherwise,

the statements of the villagers are not giving details except for stating that they were not given full quota of their ration. The Applicant is already in custody since 02/09/2020. His shop is allotted to someone else. According to Mr.Thorat, co-accused Pramod Sawant, who is similarly placed, is already granted bail. Therefore principle of parity also applies in favour of the present Applicant. Considering these submissions, further custody of the Applicant is not necessary. Mr.Thorat has stated that the Applicant is willing to furnish local sureties. In this view of the matter, the Applicant can be granted bail in this case.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.274/2020 registered with Panvel City Police Station, Navi Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two local solvent sureties in the like amount.

- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)