

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1178 OF 2021

Sattar Chandsaheb Sayyed .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Rahul Vijaymane for the Applicant.

Mr.S.H.Yadav, APP for the State.

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CORAM: BHARATI DANGRE, J.
DATED : JULY 26, 2021

P.C:-

1. The applicant alongwith two accused persons is charge-sheeted in C.R.No.274 of 2020 registered with Panvel City Police Station, primarily registering the offences punishable under Sections 3 and 7 of the Essential Commodities Act and under Section 13 of the Targeted/Distribution Scheme (Control) Order, 2015 alongwith Section 3 of the Benami Transaction Prohibition Act, 1988. Sections 120-B, 420, 465, 468, 470, 471 read with Section 34 of the IPC have also been invoked. In connection with the said C.R., the applicant came to be arrested on 11/09/2020 and the charge-sheet has been filed on 01/08/2020, on completion of the investigation.

2. The applicant claims parity with the two other co-accused in the same C.R. being Krushna Damo Pawar and

Navnath Loku Rathod, who have been released on bail by this Court on 28/06/2021 and 05/07/2021 respectively. Recording that the maximum punishment for the offences with which the co-accused are charged is seven years and since the investigation is already completed and the charge-sheet has been filed, the recovery from the co-accused who were released on bail, was minimal and as far as the present applicant is concerned, it is only three gunny bags of rice, the parity will be applicable to the present applicant. Considering the case of the prosecution that rice stacked in 2220 gunny bags having approximate value of Rs.33 lakhs, was recovered when a raid was conducted by a Circle Officer and the gunny bags, which were found stamped with labels of FCI and other agencies of the different State Governments and the rice being an essential commodity, the material compiled in the charge-sheet reveals that the gunny bags were stored in a particular place with an intention to export it illegally. Certain companies are involved in the said transaction and the empty bags lying there led to a presumption that a fraudulent scheme is being operated. As far as the present applicant is concerned, he is charged on account of recovery of three bags of rice from him. Since the investigation is complete and the co-accused are already released on bail, the applicant deserves a similar relief. Hence, the following order.

: ORDER :

- (a) The application is allowed.
- (b) Applicant-Sattar Chandsaheb Sayyed shall be released on bail in C.R.No.274 of 2020 registered with Panvel City Police Station, District Raigad on executing

P.R.Bond to the extent of Rs.50,000/- and furnishing one or two sureties of the like amount.

(c) The applicant shall report to the Panvel City Police Station in the first week of every quarter year, on any day of his choice after intimating the Investigating Officer in advance about his presence. On such presence, the Investigating Officer will mark his attendance and keep the record of the same.

(d) The applicant shall provide his permanent address and contact number to the Investigating Officer and also intimate any change in the same.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

[SMT. BHARATI DANGRE, J .]