

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1436 OF 2021

Navnath Loku Rathod .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. Ritesh Thobde for the Applicant.

Mr. Ajay Patil, A.P.P. for the State.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 05TH JULY, 2021.

P.C:-

1. The Applicant is arraigned as an accused in C.R. No.274 of 2020 registered with Panvel City Police Station, Dist. Raigad for the offences punishable under Sections 120-B, 420, 465, 468, 470, 471 read with Section 34 of the IPC and under Sections 3 and 7 of the Essential Commodities Act and under Section 13 of the Targeted/Distribution Scheme (Control) Order, 2015 and under Section 3 of the Benami Transaction Prohibition Act, 1988.

2. The Applicant came to be arrested on 02/09/2020 and it is

the submission of learned counsel for the Applicant that the investigation is complete and charge-sheet is filed. Learned counsel for the Applicant claims parity with co-accused Krushna Damo Pawar, who has been recently released on bail on 28/06/2021 by this court. Learned counsel would submit that the role attributed to Krushna Pawar, who has been released on bail by this court is identical as to that of the present Applicant and, therefore, he is entitled to claim parity.

3. I have perused the charge-sheet as well as the order passed by this court releasing Krushna Pawar, on bail. Also heard learned A.P.P., who does not dispute the said factual position.

4. On perusal of the charge-sheet, the prosecution case surfaces to the effect that on 31/07/2020, when a raid was conducted by the Circle Officer assisted by his team, in a place, which was under the control of “Take Care Logistic” at Taluka Panvel, rice stacked in 2220 gunny bags, approximate value of which, is estimated to Rs.33 lakhs, was found. The gunny bags were found stamped with the stamp of Government distribution agencies viz. Food Corporation of India and other agencies of the different State Governments. The investigation revealed that Rice, an essential commodity, which was meant to be supplied to various ration shops was collected and stored in that particular place with an intention of exporting it illegally. The investigation further led to certain companies involved in the

said transactions and the empty gunny bags lying there led to a conclusion that the activity continued as a fraudulent scheme.

5. During the investigation, statement of one Sreenivas @ Sunil Rathod, a driver, came to be recorded. In his detailed statement, he has referred to the entire modus operandi, which was adopted for transporting the commodity, Rice from various authorized ration shops and being stacked in the godown situated near Krida Sports Stadium. He has specifically taken names of the persons, from whom rice was lifted and stacked in the gunny bags, where the raid was conducted. The Applicant is one of the persons and so was the co-accused Krushna Pawar. Both the accused having their ration shops in Village Vijapur, Karnataka State. This is the basis, on which the FIR was lodged.

6. Recording that the maximum penalty for the offence, with which the Applicant is charged, is seven years and the Applicant is just a small pawn in the entire scheme, which reflect high end method of depriving the ration card holders of the the food grains, which was collected at one place to be sold under the stamp and seal of Food Corporation of India, making it appear as if it was an authorized one. Recording that the role attributed to the present Applicant in the scam is limited and his contribution is only 20 bags in the month of June and July, 2020 the Applicant is entitled for a similar relief as his co-accused Krushna Pawar, who was released on bail on some what similar

analogy. Relying upon the said order dated 28/06/2021 in Criminal Application No.1089 of 2021, the Applicant is entitled to be released on bail subject to the following conditions.

ORDER

- (a) The Applicant – **Navnath Loku Rathod**, 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.
- (b) 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.
- (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.

7. The Application is allowed in the aforestated terms.

8. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

SMT. BHARATI DANGRE, J