

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

BAIL APPLICATION NO.1579 OF 2021

BHALCHANDRA
GOPAL
DUSANE

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Date: 2021.10.29
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Sarveshkumar Ramdevan Shahi Applicant

Vs.

The State of Maharashtra Respondent

Mr. Hrishikesh Mundargi i/by Swarali Joglekar for Applicant.
Ms. A.A. Takalkar, APP for State.
ACP, Mr. Sardar N. Patil, Crime Branch (Prev.) Thane City

Coram : NITIN W. SAMBRE, J.
Date : 28TH OCTOBER, 2021

P.C.:

1. In an offence being Crime No. 18 of 2018 after arrest on 11th February, 2021, the applicant came to be charge-sheeted through a supplementary charge-sheet.
2. The prosecution case is, pilferage of High Flash High Speed Diesel was to be transported by the applicant, who is main stakeholder. The applicant instead of supplying 74 KL. (74,000 litres) of diesel to the consumer diverted the stock to the extent of 42 KL. (42,000 litres).

3. The submissions are, there are numbers of stakeholders in the issue of transportation of diesel and it is difficult to infer that the applicant was only present at whose behest supplies were diverted.

4. It is further claimed that the applicant has already suffered since more than eight months and he is very much available for the prosecution. It is claimed that there are no antecedents.

5. Learned APP submits that apart from extra judicial confession given by co-accused, the investigation ultimately points out that the applicant is the beneficiary of pilferage.

6. I have considered the submissions.

7. It is noted from the investigation that from the two tankers, the stock that was pilferaged to the extent of 42 KL. (42,000 litres) is already recovered from Thane and Indore.

8. Apart from above, the fact remains that all other accused are already released on bail. In that view in my opinion, a case for grant of bail is made out. The application is allowed on following conditions :

ORDER

- (i) The applicant be released on bail in Crime No. 18 of 2018, registered with Kopri Police Station, for the offence punishable under Sections 109, 114, 212, 407, 411, 420, 467, 468, 471, 120(B) of the Indian Penal Code and under Sections 3, 7, 8 and 10 of the Essential Commodities Act r/w the Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 2005 on furnishing P.R. bond in the sum of 15,000/- with one or more sureties in the like amount.
- (ii) The applicant shall neither influence the prosecution witnesses in any manner nor tamper with the evidence.
- (iii) The applicant shall attend the trial regularly.
- (iv) If there are 2 consecutive defaults in appearing before the trial Court, prosecution will be at liberty to apply for cancellation of Applicant's bail.

(NITIN W. SAMBRE, J.)