

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION [ABA] NO.194 OF 2021

[Tushar s/o Jawahar Khobragade .vs. State of Maharashtra, through PSO, PS Kalmna, District-Nagpur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Pankaj Navlani, Advocate for applicant,
Shri M.K. Pathan, APP for non-applicant-State.

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CORAM : N.B. SURYAWANSHI, J.

DATED : JUNE 30, 2021.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant apprehends his arrest in Crime No.190/2021 registered with Kalamna Police Station, Nagpur for the offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955.

3. The prosecution alleges that vehicle bearing no.MH-40-BL-1182 was intercepted by the Crime Branch in which 48 gunny bags containing 24 quintals rice was found. The vehicle belongs to Kushal Waswani, who was driving it. During interrogation, he disclosed that the said rice was rationing rice purchased by him from Pritesh Hadge and he was going to sale it to the applicant. During investigation, the gunny bags bearing government seal were recovered from Pratibha lawn. Pritesh Hadge was arrested. Pritesh disclosed that he used to purchase the rationing rice from Tushar Khobragade, who was running rationing shop and used

to sale the same to Kushal Waswani. The seized rice was purchased by him from Tushar Khobragade and was sold to Kushal Waswani. Kushal Waswani further disclosed that the seized rice was being transported to the godown owned by the applicant at Kalamna market.

4. Heard the learned advocate for the applicant and the learned APP for the non-applicant/State. Perused the investigation papers.

5. It is submitted by applicant that officers from District Supply Officer inspected ration shop of the applicant's brother and no discrepancy was found in the stock supplied to the said ration shop and the stock available there on record. It appears from the investigation papers that investigation is almost complete. The applicant was granted interim protection, vide order dated 25.3.2021. It is not disputed that the applicant has attended the Police Station and has cooperated in the investigation by attending the Police Station in terms of order dated 25.3.2021.

6. In that view of the matter, pre-trial custodial detention of the applicant is not necessary in the facts of the present case. Hence, the following order :

- i) Criminal Application [ABA] No.194/2021 is allowed by making the interim order dated 25.3.2021 absolute.
- ii) Till the filing of the chargesheet, the applicant shall attend the concerned Police Station as and when called by the investigating officer.

iii) The applicant shall not make any attempt to influence the witnesses or to tamper with the prosecution evidence.

iv) The observations made in the present application are *prima facie* in nature and the learned Trial Judge shall not be get influenced by the same at the time of the trial.

(N.B. Suryawanshi, J.)