

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

CRIMINAL APPLICATION (ABA) NO.794 OF 2020

(Subhash s/o Charan Chawan Vs. State of Maharashtra thr. PSO PS Mangrulpir, Tah.
Mangrulpir, Dist. Washim)

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

Court's or Judge's orders.

Mr. S.S. Dhengale, Advocate for Applicant.
Mr. I.J. Damle, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 7th JANUARY, 2021.

The applicant is a government servant and at the relevant time was in-charge of government godown at Mangrulpir.

2. On 30.09.2020 the Food Supply Inspector *inter alia* inspected/raided the business premises of Ramdeo Traders. Allegedly, 27 bags of crushed gram were stored. Initially offence punishable under section 3 and 7 of the Essential Commodities Act was registered with Police Station Mangrulpir against the shop owner Narsingh Bang and the driver of the vehicle Nitesh Chavan, which vehicle allegedly transported the said bags and at a later stage section 406, 409 and 420 of IPC were invoked.

3. The applicant is implicated, primarily on the basis of two statements purportedly given by two loaders to the effect that they loaded 27 bags unmarked bags of *Chana Dal* at the godown, in the vehicle in question.

4. In response to Court query as to whether any stock is found missing/short in the godown, the fair response of the learned APP Mr. Damle is that the material on record, at least at this stage, does not so suggest.

5. The applicant is now working at Malegaon and is not in a position to tamper with the evidence.

6. Considering the material in the case diary, I am satisfied that custodial interrogation is not necessary and even otherwise the applicant has made out a case for exercise of discretion.

7. The application is allowed.

8. In the event of arrest in Crime 1150/2020 registered with Police Station Mangrulpir, Tahsil Mangrulpir, District Washim for offence punishable under section 406, 409 and 420 of the Indian Penal Code, the applicant shall be released on furnishing person bond of Rs.25,000/- with a solvent surety of like amount, which surety may be furnished within four weeks from the arrest, if any.

9. The applicant shall attend the concerned police station on 16th and 17th January, 2021 from 11:00 a.m. to 03:00 p.m. and shall co-operate with the Investigating Officer.

10. The applicant shall not make any attempt to influence the witnesses.

11. The applicant shall not leave the country without the permission of the trial Court.

JUDGE

NSN