

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

6 ANTICIPATORY BAIL APPLICATION NO.146 OF 2022

TUKARAM PURUSHOTTAM MAHAJAN

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. V.D. Sonawane, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 21st FEBRUARY, 2022

ORDER :

1 The applicant is apprehending his arrest in connection with Crime No.109/2018 dated 19.07.2018 registered with Kuntoor Police Station, Tq. Naigaon, Dist. Nanded, for the offence punishable under Section 166, 409, 420, 406, 467, 468, 471, 477-A, 120-B read with Section 34 of the Indian Penal Code, 1860 and under Section 3, 7 of the Essential Commodities Act, 1955.

2 Before proceeding further, it will not be out of place to mention here that the applicant had approached this Court by filing Anticipatory Bail

Application No.82 of 2021 for anticipatory bail, however, he withdrew that application on 17.12.2021, when the Court was not inclined to grant any relief. Now, the applicant has not explained, as to what is the change in circumstances, which brings him once again before this Court.

3 Heard learned Advocate Mr. V.D. Sonawane for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

4 Perusal of the First Information Report would show that initially it was under Section 420, 120-B of the Indian Penal Code and under Section 3, 7 of the Essential Commodities Act. It was filed by API Mr. Shivprakash Prabhakar Mule on 19.07.2018. Though it was specifically containing names of other two persons i.e. Ajay Baheti and Prakash Tapdiya, but the names of other accused persons are appearing, as that of the Truck owners or suppliers of grains. Name of the present applicant appears to be not in the list. The present applicant was the previous contractor and during his period he had engaged 50 Trucks of food-grains of essential commodities from FCI godown and they were proceeding towards Baheti Group's India Mega Agro Anaj Limited, Krushnur. His period was from 01.01.2018 to 15.03.2018. The grains were supplied to FCI, which is a Government undertaking. The

investigation appears to have been completed and it was filed before the Court on 06.08.2019. The learned Advocate appearing for the applicant has relied on order passed by this Court in Anticipatory Bail application No.896 of 2020 dated 16.12.2020 (Shrinivas Digambar Damkondwar vs. The State of Maharashtra and others) and then claimed parity. This Court had taken note of the fact that twice the charge sheet was filed, but in those charge sheets Shrinivas Damkondwar's name was not mentioned, either as an accused or suspected to be an accused. The role attributed to Shrinivas Damkondwar was considered. Therefore, he cannot claim parity. Already there are two charge sheets and the evidence that has been collected is in the form of statements of co-accused together with documentary evidence in the nature of D.O. orders. Further, it is stated in the say filed before the learned Additional Sessions Judge by the Investigating Officer that the present applicant had opened a fake trading company under the name "Shobhna Transport" and purchased the grain meant for supplying it through public distribution system through vehicle Nos.MH 26-H/6223, MH 26-H/6730, MH 26-H/6660, MH 26-B/7225, MH-29-9233. It also appears that the present applicant is absconding. It is also stated by the Investigating Officer that twice the charge sheet has been filed earlier, still the work of collecting evidence is going on and the investigation is still going on under Section 173(8) of the Code of Criminal Procedure.

5 As aforesaid, this Court was not inclined to grant any relief to the applicant on 17.12.2021 and, therefore, he had sought the withdrawal of the application and when there is no change in the circumstance, he does not deserve any other treatment. Application, therefore, stands rejected.

(Smt. Vibha Kankanwadi, J.)

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