

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 ANTICIPATORY BAIL APPLICATION NO.465 OF 2022

RAUF KHAN YUNNUS PATHAN

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. P.S. Agrawal, Advocate for the applicant

Mr. B.V. Virdhe, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 05th MAY, 2022

ORDER :

1 The applicant is apprehending his arrest in connection with Crime No.124/2022 dated 25.03.2022 registered with Hingoli City Police Station, Dist. Hingoli, for the offence punishable under Section 3 and 7 of the Essential Commodities Act, 1955.

2 Heard learned Advocate Mr. P.S. Agrawal for the applicant and learned APP Mr. B.V. Virdhe for the respondent.

3 It has been vehemently submitted on behalf of the applicant that the applicant has been falsely implicated. The gunny bags which were seized

by the raiding party were not belonging to the applicant. However, there is one warehouse adjacent to the house of the applicant and the gunny bags were kept in front of that warehouse, which is in fact, the Government warehouse, but the police in order to implicate has shown that the gunny bags were found in the courtyard of the applicant. Already the entire material has been seized, therefore, custodial interrogation of the applicant is not necessary. Applicant is ready to abide by the terms of bail.

4 Learned APP has strongly opposed the application and submitted that the gunny bags were having stamp of Madhya Pradesh Government and then it is required to be inquired as to from where and from whom the applicant has procured the wheat and rice. The applicant has a similar criminal antecedent. He is involved in Crime No.10/2022 registered with the same Police Station under Section 3 and 7 of the Essential Commodities Act. A thorough investigation is, therefore, required.

5 At the outset, it is to be noted that there is nothing produced by the applicant before this Court that there is a Government warehouse adjacent to his house. In the First Information Report it is stated that the house of the applicant is near godam (warehouse) behind People's Bank. Now, when it is stated in the First Information Report that the gunny bags

were found in the courtyard in front of the house of the applicant, then, there would have been some demarcating area. Further, when gunny bags were having stamps of Madhya Pradesh Government, then, definitely, investigation needs to be made. The criminal antecedents of the applicant also do not prompt this Court from exercising its discretionary extraordinary powers under Section 438 of the Code of Criminal Procedure. Application stands rejected.

(Smt. Vibha Kankanwadi, J.)

agd