

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.480 OF 2022

SANTOSH KISHANRAO BENDRIKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Mr.Amit A. Mukhedkar, Advocate for the Applicant
Mr. A.A. Jagatkar, APP for Respondent/State
.....

[CORAM : S.G. MEHARE, J.]

DATE : 4th JULY, 2022

ORDER :

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant is the owner of the truck bearing registration No. MH-12-NX 8792. On the date of the incident, the truck was in the custody of his driver. The truck was stationary on the alleged spot of the incident. It is alleged in the F.I.R. that the bio-diesel was filled in the diesel tank of the said truck, and the sample was also collected from the diesel tank. The said truck was seized. However, the driver of the truck fled away. Therefore, the custodial interrogation of the applicant is required. The offence under Sections 3 and 7 of

the Essential Commodities Act r/w Sections 420, 34 of the Indian Penal Code have been registered against the applicant.

3. The allegations against the applicant are that the truck was stationary on the ground. The raiding party suspects that the bio-diesel was filled in the diesel tank of the truck of the applicant. The sample from the diesel tank of the said truck has been collected.

4. The learned APP made a statement that the chemical analyzer's report is yet to be received. The incident happened on 28.12.2021. Considering the allegations, this Court is not satisfied that the prosecution has a strong case for custodial interrogation. So far as the whereabouts of the truck driver is concerned, that may be from the applicant by directing him to attend the police station. In the facts and circumstances of the case, the application deserves to be allowed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant **Santosh Kishanrao Bendrikar**, in connection with Crime No.893 of 2021, registered with Nanded Police Station, Dist. Nanded for the offences punishable under Sections 3 and 7 of the Essential Commodities Act and under Section 420 r/w 34 of the Indian

3

Penal Code, be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount on the condition that he shall appear before the Investigating Officer on 11.07.2022 and 12.07.2022 with the entire details of the driver who was engaged on the truck involved in the incident and shall cooperate with the investigation.

[S.G. MEHARE, J.]

S.P. Rane