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

**935 ANTICIPATORY BAIL APPLICATION
NO.597 OF 2022**

**SATISH BHIKA GHULE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. K.M. More h/f.
Mr. Girish V. Wani
APP for Respondent / State : Mrs. V.S. Choudhari
...

CORAM : SARANG V. KOTWAL, J.

Date : JUNE 07, 2022

PER COURT :-

1. The applicant is seeking Anticipatory Bail in connection with C.R. No.110 of 2019 registered at Bhusawal Bazarpeth Police Station, Dist. Jalgaon on 09.02.2019 under Section 420 r.w. 34 of the Indian Penal Code and under Section 3 and 7 of the Essential Commodities Act.

2. Heard Mr. K.M. More h/f. Mr. Girish Wani, the learned Counsel for the applicant and Mrs. V.S. Choudhari, the learned APP for the respondent / State.

3. The FIR is lodged by PSI namely Dilip Patil. He has stated that on 08.02.2019 the police went to Gojore field on Nashirabad road, where Sandesh factory was located. The police

suspected that diesel was stored in that factory illegally, therefore, the Police Officers conducted the raid on those premises. During the raid, the police found five tanks containing different substandard oils such as light diesel oil, black oil, moisturized oil etc. One tanker and one tata sumo vehicle were also found. The present applicant is the owner of Tata Sumo bearing No. MH-19-Y-5303. One can containing 360 liter diesel was also found in that car. On that basis, the FIR was lodged.

4. The learned Counsel for the applicant submitted that the owner of the factory, who had manufactured that diesel, has already been granted anticipatory bail by the Additional Sessions Judge, Bhusawal by the order dated 05.03.2019. He submitted that the applicant has nothing to do with the manufacturing of the diesel. He has purchased it for its commercial purpose, which is legal.

5. Learned APP opposed this application. She submitted that it was substandard diesel. The entire operation was illegal. Custodial interrogation of the applicant is necessary and therefore anticipatory bail should not be granted to the applicant.

6. I have considered the submissions made by the learned Counsel appearing for the respective parties and I have perused the order passed by the Additional Sessions Judge, Bhusawal, granting

anticipatory bail to the owner of the factory, who had manufactured that diesel. The applicant had purchased that diesel from the manufacturer, who has been granted anticipatory bail. That order was passed in the year 2019. The said order was not challenged. Therefore, there is no reason as to why the applicant should be arrested after three years. In this background, therefore custodial interrogation of the applicant is not necessary. The applicant also deserves to get the anticipatory bail. Hence, the following order is passed.

ORDER

(i) In the event of the arrest of the applicant in connection with C.R. No.110 of 2019 registered at Bhusawal Bazarpeth Police Station, Dist. Jalgaon on 09.02.2019, the applicant is directed to be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation.

(iii) The Anticipatory Bail Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)