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

ANTICIPATORY BAIL APPLICATION NO.1236 OF 2020

AKHTAR KHAN S/O SHARIF KHAN JONWAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Murkute J.M.
APP for Respondent/State : Ms. V.S. Choudhari

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

DATED : 11th AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The prosecution has a case that on the day of the incident, they find few people carrying the bags containing rice in one pickup vehicle and on the motorbike. When the police tried to stop the motorbike, the person running the motorbike left the bags of the rice on the spot and fled away. The police took up the rice bags. During the investigation, it was transpired that the rice was of ration control shop. One person was apprehended on the spot. During the investigation, it has also been transpired that the present applicant is the person who is the supplier of ration shop rice. It is also transpired that the person who fled away with the bike was the present applicant.

3. Learned counsel for the applicant has vehemently argued the applicant has been protected since long. There is nothing against the applicant. He has been falsely implicated in the crime. Nothing is to be recovered from the applicant. Therefore, interim protection granted to the applicant may be confirmed.

4. Learned APP has strongly opposed the application contending that the applicant is the main culprit and source of supplying the ration goods. He fled away from the spot, therefore, to know the involvement of the other co-accused and to recover the goods as such, his custodial interrogation is essential.

5. The fact reveals that the person who fled away from the bike on the date of incident, was the present applicant. He is the supplier of the ration shop rice bags. The ration shop rice bags are not allowed to be sold in the open market. This amounts to be black marketing of the food which is provided for the poor at concessional rate. The offence is apparently serious. The prosecution has a strong case for custodial interrogation. Hence, the application stands dismissed.

(S.G. MEHARE, J.)