

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 683 OF 2022

Khalid Akhtar Mansoor Ahmed Shah	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Naushad Ahmed i/b. Khalid Azmi for the Applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd MARCH, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.70/2021 registered with Worli Police Station for offences punishable under sections 3, 7 and 10 of the Essential Commodities Act and under sections 3(4), 3(5), 3(6), 3(7) and 4 of Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Mal Practices) Order, 2005.

2. Heard Mr. Naushad Ahmed, learned counsel for the Applicant and Ms. M.M. Deshmukh, learned APP for the State. I have perused the records and considered the submissions advanced by the learned

counsel for the respective parties.

3. It is not in dispute that the Applicant is sought to be implicated in the crime only on the basis of information given by the co-accused – Mohammed Ahmed Shaikh, the owner of the ration shop no.848, Ground floor, Kasturba Gandhi Nagar, Dainik Shivneri Marg, Worli, Mumbai – 400 018, that the Applicant herein is the supplier of the product.

4. It is seen that while the Anticipatory Bail Application was pending before the learned Sessions Judge, the Investigating Officer had made a statement that he wanted to investigate about the stock of petroleum product stocked illegally in the godown of the Applicant. The Investigating Officer is present before the Court. Learned APP states that till date, apart from the statement of the co-accused, there is no material on record to indicate that the Applicant is the supplier. Upon instructions, she states that the Investigating Officer has not inspected the godown of the Applicant and has not carried out any investigation to ascertain the role of the Applicant.

5. Hence, apart from the statement of the co-accused, there is no

material on record to link the Applicant with the aforesaid crime. The records indicate that though the offence is of serious nature which affects the public at large, the investigation is carried out in a very casual manner. Learned APP states that the matter will be brought to the notice of the superiors of the concerned Investigating Officer for necessary action.

6. Be that as it may, there is no prima facie material on record to show the involvement of the Applicant in the aforesaid crime. Under the circumstances, the Applicant is entitled for pre-arrest bail. Hence, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.70/2021 registered with Worli Police Station, he shall be released on bail on furnishing bail bonds in the sum of Rs.40,000/- (Rupees Forty Thousand only) with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for four days from 28/03/2022 between 11:00 a.m. to 02:00

p.m.

(c) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of.

**PREETI
H JAYANI**

Digitally signed by
PREETI H JAYANI
Date: 2022.03.24
10:35:20 +0530

(SMT. ANUJA PRABHUDESSAI, J.)