

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

ANTICIPATORY BAIL APPLICATION NO. 685 OF 2022

Prashant Radhekrishna Upadhyay ..Applicant

v/s.

The State of Maharashtra . ..Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO. 686 OF 2022**

Sujit Abhiram Jha ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. P.A.Pol, i/b. Pol Legal Juris for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st MARCH, 2022.**

P.C.

1. These Applications under Section 438 Cr.P.C. are filed the aforesaid Applicants seeking pre-arrest bail in C.R. No. 472 of 2021, registered with Kalwa Police Station for offences under Section 420, 120B r/w. 34 of IPC and Section 7, 8 and 9 of the Petroleum Act, 1934, Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Malpractices) Order, 1998 of IPC and under Section 3, 7, 8, 9 and 10 of the Essential Commodities Act, 1955.

2. Heard Mr. Pol, learned Counsel for the Applicants and Ms. Ambekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime is registered pursuant to the FIR lodged by the Complainant- Mrs.Surekha Chavan, Rationing Inspector, Thane Rural. The Complainant has alleged that the Crime Branch, Thane had intercepted a tanker on suspicion that they were involved in selling duplicate bio-diesel as fuel for diesel vehicles. On inquiry, the driver disclosed that the said product was loaded at Khopoli, Taloja and Navi Mumbai and was to be transported to Ambernath, Palghar etc. He also disclosed the name of Applicant- Sujit Abhiram Zha as the owner of the said product. Sample of the product was drawn and the same was sent for analysis. Suspecting that the Applicant was involved in selling bio-diesel, FIR came to be lodged.

4. The records prima facie indicate that the Applicant is the proprietor of M/s. Shreenath Enterprises, a firm which was duly registered on 26.07.2017 with the Government of India for Goods and Services Tax. It is also registered under the Ministry of Micro, Small and Medium Enterprises. The records prima facie indicate that Shreenath Enterprises is engaged in trading business in oils, chemicals

etc. The FIR is registered against the Applicant on suspicion that he was selling duplicate bio-diesel to be used as fuel to the vehicles. The report reveals that the sample which was drawn by the Complainant fails to meet the requirements of Bio-diesel, or automotive diesel fuel BSVI or Motor Gasoline BSVI.

5. The Applicant has placed on record, the documents which prima facie indicate that M/s. Sunrise Hitech India Pvt. Ltd. had imported the Distillate Marine Fuel Oil and that the Applicant had purchased the said Distillate Marine fuel Oil from M/s. Sunrise Hitech India Pvt. Ltd. The Tax Invoice dated 8.12.2021 is placed on record. It is stated that the tanker which was intercepted contained marine fuel oil which was to be delivered to Jodhpur, under bill dated 18.12.2021.

6. Considering the above aspects, in my considered view, this is not a case which would justify custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants above named in Crime No.472 of 2021, registered with Kalwa Police Station, District Thane, the Applicants be released on bail on furnishing bail bond of Rs.40,000/- (Rupees Forty Thousand Only) each, with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

- (ii) The Applicants shall report to the Investigating Officer for four days from 28th March, 2022, and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.
- (iii) The Applicants shall provide their permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The Applicants shall not change their residential address without prior intimation to the Investigation Officer.
- (v) The Applicants shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
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(ANUJA PRABHUDESSAI, J.)