

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

ANTICIPATORY BAIL APPLICATION NO.3146 OF 2021

Ramesh Madanlal Agrawal Applicant
versus
State of Maharashtra Respondent

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- Ms.Smita Sunil Tiwari i/b. Sunil D. Tiwari, Advocate for Applicant.
- Smt.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd JANUARY 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.57/2021 registered with Kongaon Police Station, Thane City, dated 27/02/2021, under sections 3, 7, 8 of Essential Commodities Act.

2. The FIR is lodged by one Kiran Prabhakar Gavande. He is working as an Assistant Rationing Officer since past 4 years. He has stated in his FIR that on prior information, they intercepted a tempo vehicle on Mumbai-Nashik Highway. On

inspection, they found that the tempo was carrying 2050 kg. of rice, 750 kg. of what and 400 kg of white crystal sugar, total value of the goods was more than Rs.7 lakhs. The tempo driver did not have proper documents regarding those goods. The investigation revealed that those goods were meant for rationing shop and they were illegally being transported. On this basis FIR is lodged.

3. Heard Ms.Smita Sunil Tiwari, learned counsel for the Applicant and Smt.A.A. Takalkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the goods were sent by one Satish Jain, who is already granted anticipatory bail. The allegations against the Applicant are that those goods were to be off loaded in the Applicant's godown for further sale. She submitted that since the main accused Satish Jain was already granted anticipatory bail, on the ground of parity, the Applicant also deserves the same order. She further submitted that in the month of April 2021, the Applicant had

suffered a Gunshot injury on his chest and he had to take treatment in ICU. Thus his health condition is precarious and his custodial interrogation will have detrimental effect on his health.

5. Learned APP submitted that the goods were sent to the Applicant's godown, from where they would have been sold in open market. Therefore the Applicant's involvement is clear. However, she fairly accepted that the main accused Satish Jain is protected by an order of anticipatory bail and he has co-operated with the investigation. She further accepted that there are no criminal antecedents against the present Applicant.

6. I have considered these submissions. At this stage, there is some material available with the investigating agency against the present Applicant. However, the main accused was Satish Jain, who is protected by an order of anticipatory bail by the Sessions Court. Therefore on the ground of parity and also taking into account the fact that the Applicant had suffered a

Gunshot injury and was in ICU in the month of April 2021, his custodial interrogation can be avoided. He can be directed to co-operate with the investigating agency.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.57/2021 registered with Kongaon Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)