

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 205/2022

Shaikh Muntazir s/o Shaikh Khwaja Vs State of Maha., thr. P.S.O., PS Telhara, Dist. Akola.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri U.J.Deshpande, counsel for the Applicant.

Shri S.A.Ashirgade, APP for the Respondent.

CORAM : ANIL S. KILOR, J.

DATED : 19/04/2022.

1. The applicant is seeking pre-arrest bail in Crime No. 82/2022, dated 03/03/2022 registered with Police Station Telhara, Dist. Akola, for the offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955. The allegations in the FIR are as regards the black marketing of food grains.

2. The learned counsel for the applicant submits that the name of the applicant was not there in the FIR. However, on a statement of co-accused, the applicant has been made as accused in the alleged offence. It is submitted that he has been falsely implicated in the alleged offence.

3. On the other hand, learned APP points out that the co-accused has stated the name of the applicant. He, submits that in view of the statement of the co-accused, there is prima-facie evidence to show the involvement of the applicant in the

alleged offence. Accordingly, he prays for rejection of the present application.

4. I have perused the case diary and also the contents of the FIR.

5. In the FIR, the name of the applicant was not mentioned. However, subsequently on the statement of the co-accused he was added as an accused in the alleged offence.

6. After the statement of the co-accused was recorded, wherein he has stated in the name of the applicant in the investigation, no evidence has been collected by the investigating officer to prima-facie show the involvement of the applicant in the alleged offence. In the circumstances, only on the basis of statement of co-accused, it cannot be said that there is a prima-facie incriminating material available against the applicant. In that view of the matter, I pass the following order :-

- a] Criminal application is allowed.
- b] The ad-interim anticipatory bail granted by this Court on 30/03/2022, is confirmed.

[JUDGE]