

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

ANTICIPATORY BAIL APPLICATION NO.3284/2022

MALHARI NAMDEV POTWADE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Aniket U. Nikam i/b. Mr. Kamran S. Shaikh for the
applicant.
Ms. P. N. Dabholkar, APP for State.
API Girish A. Jog, Tembhorni Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 6, 2023.

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is an application for bail in respect of an offence
punishable under Sections 3 and 7 of the Essential
Commodities Act lodged at the instance of the first
informant-Dnyanesh Gajaram Kuntalwad vide C.R.
No.119/2021 registered with Tembhorni Police Station,
District-Solapur Gramin.

3. The informant alleged that on March 10, 2021, at
about 3.20 p.m., the persons named Shrikrushna Vijay

Kolhe and Shankar Rajaram Kirte were found to be in possession of two iron tanks in which near about 40 litres of diesel, tractor, tanker, trolley, 5 barrels and one tillu motor that is muddemal of Rs.7,09,500/- without any license was found contrary to the provisions of the Essential Commodities Act. The said persons were arrested. During the course of the investigation, the co-accused-Mukesh Mularam Chaudhary came to be arrested. The co-accused-Mukesh in his statement named the present applicant as the one who was procuring diesel illegally.

4. Learned counsel Mr. Nikam for the applicant submitted that the applicant is not named in the First Information Report (FIR). Furthermore, the applicant is being arraigned as an accused almost one year after registration of the FIR. It is further submitted that the applicant is not even remotely concerned with the offence as he is sought to be implicated on the basis of the statement of the co-accused.

5. I have gone through the FIR and the materials collected during the course of the investigation. The allegation against the applicant revealed during the

course of the investigation is that it is the applicant who was procuring the diesel illegally in the black market and was responsible for selling the same. It is alleged that the applicant is one who was giving commission to various persons involved in this racket.

6. Considering the serious nature of the allegations and the offence alleged is under the provisions of the Essential Commodities Act, I do not find this a fit case to accede to the request of learned counsel for the applicant to grant anticipatory bail to the applicant.

7. The application is rejected.

8. The request for continuation of the interim protection stands rejected.

(M. S. KARNIK, J.)