

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1915 OF 2023

Vinod Muktinath Sharma ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Sanjeev Kadam a/w. Mr. Pratik Deshmukh i/b. Mr. Prashant Raul, for the Applicant

Mr. S.H. Yadav, APP, for the Respondent/State.

Mr. S.B. Pujari, PI, Bhandup police station.

CORAM : N. J. JAMADAR, J.

DATE : DECEMBER 12, 2023

P.C.:

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

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 1007 of 2022 registered at Bhandup police station for the offences punishable under sections 285 and 336 read with 34 of Indian penal Code, 1860 and sections 3, 7 and 8 of Essential Commodities Act, 1955 and sections 4 and 5 of Motor Spirit and High Speed Diesel Order, 1998.

3. Pursuant to an intimation, a raid was conducted at Khandelwal compound, Usha Nagar, Bhandup. 11520 ltr. petroleum products worth Rs. 10,13,760/- were found stored thereat. Co-accused Vijay Bhoir was found in the said premises. The co-accused

named the applicant as the person who had stored the said petroleum product. It was the stand of the applicant that the commodity found at the said place is a processed oil which the applicant had procured.

4. The learned APP, invited attention of the Court to the report of Forensic Science Laboratory which indicates that the commodity found at the premises of the applicant, contained petroleum hydrocarbons.

5. Apart from the offence punishable under section 7 of the Essential Commodities Act, rest of the offences appear to be bailable. The entire commodity has been seized and samples collected. To facilitate further investigation, the custodial interrogation of the applicant does not seem warranted. I am, therefore, inclined to exercise the discretion in favour of the applicant.

6. In the event of arrest in C.R. No.1007 of 2023 registered with Bhandup police station, the applicant be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

7. The applicant shall cooperate with the investigation and attend Bhandup police station, on 20th and 21st December 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

8. The applicant shall not indulge in identical activity for which he has been arraigned in this case.
9. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.
10. The applicant shall regularly attend the proceedings before the jurisdictional Court.
11. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)