

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

CRIMINAL APPLICATION (ABA) NO. 317OF 2023

MOHAMMAD ARIF S/O. MOHAMMAD RASHID AND OTHERS
VS
STATE OF MAH. THR. PSO, PS SADAR, NAGPUR.

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

Court's or Judge's Order

Mr. U.P. Dable, Advocate for the applicants.

Mr A.M.Kadukar, APP for the non/applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/06/2023.

1. Heard.
2. Present application is for grant of anticipatory bail in the event of their arrest in connection with Crime No.191/2023 for the offences punishable under Sections 3 and 7 of Essential Commodities Act, 1955.
3. The applicants are apprehending arrest at the hands of Police as the informant Dr. Dnyaneshwar Subhashrao Diwate, who is dealing with the distribution of food in Food Grains Distribution Office has lodged the report. On an allegations that he received the secret information that the rice quota which was to be distributed for the poor strata of the society is illegally stored by the applicants in godown, and one Shri Narendra Meher and one Prashant Khuratkar involved in storing the rice which is

reserved for the poor strata of the society. Accordingly, he conducted the raid and seized 120 Qtl. Rice in 240 bags worth of Rs.7,00,000/- .

4. On the basis of the said report, the Police have registered the offence against the present applicants. As per the contention of the applicants, the applicant No.1 is the Driver and applicant No.2 is serving in the said godown and applicant No.3 is the owner of the said godown. As per the case of the applicants, applicant No.1 was carrying the bags of rice to be disbursed to the Fair Price Shop, and on the way, the truck was restrained and false report is lodged against them. Now, the entire stock is recovered by the Investigating Agency, their custodial interrogation is not required and hence they be protected by granting anticipatory bail.

5. The said application is strongly opposed by the State on the ground that the foods grains i.e. 11.50 Quintals were only meant for supply for Kirana Shop of the applicant No.3. However, 100 bags were unloaded at the godown of the applicant, and the statement of the driver clearly shows that he is working as a driver with the applicant No.3 who runs the Gajanan Transport Services Company has engaged his trucks with Food Corporation Grain Center at Nagpur. The driver has loaded the foods grains meant

for six shops from the Government Godown. Thus, total amount of 120 quintals of Food Grains which is to distributed to the 5 other fair price shop including the shop of the applicant No.3. However, the entire stock being unloaded at the godown of the applicant. Thus, the investigation in respect of the intention of the present applicants is to be carried out, hence, their custodial interrogation is required.

6. Heard learned counsel Mr U.P.Dable for the applicant. He reiterated the contentions that only the applicant No.1 was carrying the bag to disburse the fair shop and false report is lodged. Considering the submissions of the learned APP, now the entire stock is already recovered and only contention of the State is that the applicants to be interrogated. For mere interrogation, the physical custody of the applicant is not required.

7. In view of the said, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

- a) The anticipatory bail granting to the present applicants in the event of their arrest in respect of crime No. 191/2023 registered at Police Station, Sadar for the offence punishable under Sections 3 and 7 of the Essential Commodities

Act, 1955 on executing sum of Rs. 20,000/- each is hereby confirmed.

- b) The applicants shall cooperate with the investigating agency and shall attend the concerned Police Station as and when required for the investigation purpose.
- c) Applicants shall submit their cell phone numbers and address with the address proof.
- d) The applicants shall not induce, pressurize and threaten any of the witnesses who are connected with the alleged crime.

Criminal Application is **disposed of**.

JUDGE