



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (ABA) NO.628 OF 2023**

[Akshay Pandurangji Medsinghe and Anr. ..V/s.. State of Maharashtra.]

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Mr S. W. Sambre, Advocate for Applicants.  
Mr H. Phutane, APP for Non-Applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATE : 11<sup>th</sup> DECEMBER, 2023.**

. By this application, the applicants are seeking anticipatory bail in connection with Crime No.1012 of 2023 registered under Sections 3 and 7 of the Essential Commodities Act, 1955.

2. Mr Sambre, learned counsel for the applicants submitted that the applicants are apprehending arrest at the hands of the Police as a crime is registered on the basis of report lodged by Ashok Shriram Kodape – Superintendent of Panchayat Samiti on an allegation that the applicants have been granted contract to supply mid-day meal to the schools and for that the rice is being supplied by the Government. Due to non-supply of rice by the Government at one point of time, the applicants borrowed the same from private parties and when they received rice from the Government, it was being returned to the private parties from whom they have borrowed the same. Thus, he has submitted that the applicants have not committed any offence. He further submitted that after the applicants were released on *ad interim* anticipatory bail, they have cooperated

with the investigation and their further custodial interrogation is not required. The interim protection granted earlier deserves to be confirmed.

3. The said application is strongly opposed by the State on the ground that the custodial interrogation of the present applicants is required, as interrogation regarding to whom the applicants have sold the rice is required to be carried out.

4. After hearing both the sides and after going through the investigation papers, it reveals that the allegation against the present applicants is that they have supplied the quota of the rice to the private shop owners though it was supplied for mid-day meal of the school children. The stock is already seized by the Police. As far as the contention of the learned APP is concerned that the investigation as regards to whom the present applicants have sold out some rice is to be carried out, the custodial interrogation is not required as the applicants are already attending the Police Station, since they have released on *ad interim* anticipatory bail. From the investigation papers, nowhere it reveals that the Investigating Officer has carried out any investigation to that extent. The Investigating Officer can call the applicants and shall interrogate them as regards to the information regarding sale of the said rice is concerned.

5. In view of that the *ad interim* anticipatory bail granted to the applicants deserves to be confirmed. Accordingly, I proceed to pass the following order :

**ORDER**

- i) The criminal application is **allowed**.
  - ii) The interim protection granted to the applicants *vide* order dated 15.09.2023 is hereby confirmed with the same terms and conditions.
6. The pending criminal application(s), if any, stand(s) disposed of.

**JUDGE**