



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

953 ANTICIPATORY BAIL APPLICATION NO. 590 OF 2024

Ashok Baburao Salve

..APPLICANT

-VERSUS-

State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. R.P. Totala h/f Mr.Yogesh Somani
APP for Respondent/State: Mr.P.K. Lakhotiya

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 28th June, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.46 of 2024 registered with Ambad Police Station, Tq. Ambad, Dist. Jalna, for the offence punishable under sections 353, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3 and 7 of the Essential Commodities Act, 1955.
2. It is prosecution's case that the informant is the District Food Supply Officer. On 5th February, 2024, he received information that in Mahindra Pickup vehicle bearing No.MH-28-H-7910 someone transporting ration wheat and rice, in order to sell it in black market. Accordingly, he informed the Tahsil office to provide panch and he intercepted the vehicle. After checking the vehicle, he found wheat and rice in it. Thereafter, he along with staff were going towards the police station, at that time, it is alleged that the applicant came and he

stopped the vehicle and first informant. He abused and assaulted the first informant and made to run away seized vehicle. Thereafter, the informant lodged the complaint against the applicant.

3. It is contention of the learned counsel for the applicant that the applicant is social worker and he had filed application for transfer of first informant. Due to which, the first informant was transferred. Due to the act of the applicant, first informant had grudge against the applicant. To take revenge of it, the first informant has falsely implicated the present applicant in the crime. The learned counsel further submitted that there is two days delay in lodging the F.I.R. and after around 8 days of the incident, alleged pick-up van is seized. The statements of the eye witnesses also recorded after 7 days of the incident. It shows false involvement of the applicant. Hence, he requested to allow the application.

4. It is contention of the learned APP that the applicant obstructed the Government Officers from doing their duty. The applicant allowed the co-accused to run away from the incident spot. Custodial interrogation of the applicant is required. Hence he requested to dismiss the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record.

6. There is two days delay in lodging the F.I.R. Statements of the eye witnesses were recorded after seven days of the incident. Pick-up

van is seized after eight days of the incident. Considering these aspects, the custodial interrogation of the applicant is not required, hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.46 of 2024 registered with Ambad Police Station, Tq. Ambad, Dist. Jalna, for the offence punishable under sections 353, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC") and sections 3 and 7 of the Essential Commodities Act, 1955, the applicant be released on executing personal bond in the sum of Rs.15,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]