

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

ANTICIPATORY BAIL APPLICATION NO. 798 OF 2024

YUGANDHARA
SHARAD
PATIL

Milind Vasant Bole

.... Applicant

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YUGANDHARA
SHARAD PATIL
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Versus

The State of Maharashtra

.... Respondent

Mr.Sujay Gangal, for the applicant.

Ms. M.H. Mhatre, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 22nd MARCH, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 42 of 2024 registered at Samarth Police Station, Pune City, on 23/02/2024 under section 420 of the Indian Penal Code.

2. Heard Mr. Gangal, learned counsel for the applicant and Ms. Mhatre, learned APP for the State. Learned APP submits that the Investigating Officer is not present. However, she is making submissions on the basis of the FIR.

3. The F.I.R. is lodged by one Kolhapure. He has stated that on 22/02/2024, his brother had booked a gas cylinder with Bole Gas Agency. The cylinder was delivered on 23/02/2024. The first informant insisted on weighing the cylinder before accepting it. The delivery man did not have a weighing scale. The informant took that cylinder to a nearby provision store and weighed that cylinder on a weighing scale in that shop. According to the first informant, it was short to the extent of 1.925 k.gm. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the FIR is lodged on a misunderstanding. There cannot be fault on the part of the supplier as the cylinder which was received by them from the company, was delivered to the consumer. There is no definite material to show that the weighing scale in the shop was properly calibrated. Learned counsel further submitted that on the very next day, another gas cylinder was delivered and at that time, there was no complaint by the informant.

5. Learned APP referred to the FIR.

6. I have considered these submissions. There are no allegations that there was tampering with the seal of the cylinder. There is sufficient force in the submissions of learned counsel for the Applicant that the distributing agency cannot be held responsible if the gas filled in the cylinder was less in volume. Therefore, though I am inclined to protect the Applicant under Section 438 of Cr.P.C., he will have to co-operate with the investigation. If the investigating agency find that it was not a isolated incident, the investigating agency is at liberty to file an application for cancellation of this anticipatory bail order. On this observation, the following order is passed:

ORDER

- (i) In the event of his arrest in connection with C.R.No. 42 of 2024 registered at Samarth Police Station, Pune City, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police

Station as and when called and shall co-operate with the investigation.

(iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)