

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

ANTICIPATORY BAIL APPLICATION NO. 1702 OF 2023

Sandeep Awhad	..Applicant
Versus	
State of Maharashtra	..Respondent

Mr. Anish A. Desai a/w. Chinmay Sawant a/w. Genevieve Lobo for Applicant.

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 577 of 2022 registered at Narpoli Police Station, Thane city, on 13.10.2022, under sections 3 and 7 of the Essential Commodities Act, 1955 and U/s. 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Anish Desai, learned counsel for the applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The F.I.R. is lodged by one Vijay Tupsoundarya who

was working as District Quality Control Inspector at District Superintendent of Agriculture Office, Thane. On 19.09.2022, he was informed that, at 6.30p.m. the police had intercepted a truck carrying Neem coated Urea and it was near Mahalaxmi Warehouse, Bhiwandi. The informant and others went there. That truck bearing No.MH15-GY-7860 was parked near that godown and from the godown the boxes of Urea were being loaded in that truck. The raiding party seized those boxes. They were 1786 in number, worth Rs.16,96,700/-. Five samples were taken. Out of them, two samples showed presence of Neem coated urea. It was being sold as technical grade urea for industrial use. Thus, causing loss to the industries. As far as the present applicant is concerned, he was concerned with Yog Enterprises. Some of the bags belonged to Yog Enterprises.

4. Learned counsel for the applicant submitted that the applicant was only a Trader. He used to purchase urea from Dhruv Enterprises and used to sell it to Craft Chem Company. He had no role to play in manufacturing or packing urea. Therefore, he is not involved in the offence. He did not have his own godown,

therefore, it was kept in the godown mentioned in the F.I.R. He submitted that the applicant has no concern with the offence.

5. Learned APP produced the investigation papers before me. There is one statement of Jimit Shah. He has stated that, he used to purchase urea from the present applicant. There was no occasion that the urea was found of substandard quality. Thus, this statement supports the applicant's case. There is another statement of one Dnyaneshwar Pawar. He has described as to how the offence was committed. He has described that, one Shubham Shirsat and Avi Shirsat used to substitute the technical grade urea for industrial use with Neem coated urea procured from the Government bags. Thus, his statement shows that those two persons were the main accused who were committing this offence. At this stage, sufficient doubt is created about the applicant's participation in the offence. The offence is pending since October 2022. In this case, it would be sufficient if the applicant attends the concerned police station and co-operates with the investigation.

6. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No. 577 of 2022 registered at Narpoli Police Station, Thane 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 cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)