

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

ANTICIPATORY BAIL APPLICATION NO. 1702 OF 2023

Chandrakant Anna Deshmukh

..Applicant

Versus

State of Maharashtra

..Respondent

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

Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

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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.

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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 alleged to be the owner of the godown.

4. Learned counsel for the applicant submitted that the applicant was only the owner of the godown and he is not concerned with the offence. He could not have examined and analysed the goods which were stored in his godown. He could not be responsible for the offence committed by the other accused. He

submitted that, he has produced entire stock register before the investigating agency.

5. Learned APP produced the investigation papers before me. She could not point out any incriminating material showing that the applicant had permitted the main accused Shubham Shirsat and Avi Shirsat to store the gunny bags full of substandard urea in his godown. The investigation shows that Shubham Shirsat and Avi Shirsat used to substitute the technical grade urea for industrial use with the substandard Neem coated urea. Learned APP could not point out from the investigation papers that the applicant was knowing what Avi and Shubham Shirsat were doing and as to how the urea was substituted. His godown was used by paying charges. Therefore, from these vague allegations, there is sufficient doubt raised about his involvement. 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.)