

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1809 OF 2024

Shankar Shivram Nakhate

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Kuldeep U. Nikam a/w Mr. Om N. Latpate, for Applicant.
- Mr. Sagar R. Agarkar, APP for Respondent.
- Mr. M. Nalawade, API, Wakad Police Station, Pimpri Chinchwad, Pune.

CORAM : MANISH PITALE, J.

DATE : 15th July, 2024.

P. C. :

1. Heard, Mr. Kuldeep Nikam, learned counsel appearing for the applicant and Mr. Sagar Agarkar, learned APP for the State.

2. The applicant is apprehending arrest in connection with First Information Report No.0513 of 2024 dated 23rd April, 2024, registered at Police Station Wakad, District Pimpri Chinchwad, for the offences under Sections, 285 and 420 read with 34 of the Indian Penal Code (IPC), Sections 3 and 7 of the Essential Commodities Act and Sections 3, 4, 5, 6 and 7 of the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 2000.

3. The informant being Police Officer has caused the FIR to be registered against the accused persons on the allegation that at the time of the

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incident, the accused No.1 Vijay Bhosale was found to be illegally transferring LPG Gas meant for domestic use into smaller cylinder. It is also alleged that the business of Gas Agency was being run without license. The applicant is also named as an accused because he is the owner of the shop, wherein the aforesaid activities were undertaken.

4. The learned counsel for the applicant submits that even if the statement leading to registration of the FIR is to be taken into consideration, the only role ascribed to the applicant is that he is the owner of the shop, wherein accused No.1 was found to be allegedly carrying out the aforesaid activities. It is submitted that the applicant is ready to cooperate with the investigation and that custody of the applicant is not necessary in the facts of the present case.

5. On the other hand, learned APP submits that although it is stated that the shop was given on rent to the accused No.1, there was nothing to show any leave and license agreement or any such document. The involvement of the applicant can therefore, be inferred from the material on record.

6. This Court is of the opinion that the statement leading to registration of the FIR shows involvement of the applicant, at this stage, only to the extent of being owner of the shop, wherein the accused No.1 was found

to be carrying out the aforesaid activities. The entire thrust of the statement of the informant is regarding the manner in which the activities were being carried out by accused No.1. In that sense, no overt act is alleged against the applicant, who is merely stated to be the owner of the shop, wherein the applicant No.1 was carrying out the activities.

7. So long as the applicant is ready to cooperate with the investigation, a case for granting anticipatory bail is made out.

8. In view of the above, the application is allowed in the following terms :

- (A) In the event the applicant is arrested in connection with FIR No.0513 of 2024 dated 23rd April, 2024, registered at Police Station Wakad, District Pimpri Chinchwad, he shall be released on bail on furnishing P.R. Bond of ₹ 25,000/- and one or two sureties in the like amount to the satisfaction of the Trial Court.
- (B) The applicant shall cooperate with the investigation and remain present before the Investigating Officer, as and when called.
- (C) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses

or any other persons concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of the present order.

10. The application is disposed of.

(MANISH PITALE, J.)