

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

ANTICIPATORY BAIL APPLICATION NO. 3356 OF 2024

Istiyak Ali Shah	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Nikhilesh Pote a/w Mr. Shivaji M. Patil for the Applicant.
Mr. Sagar R. Agarkar, APP for Respondent-State.
Mr. Nilesh Raput, API, Pen Police Station, Raigad.

CORAM: MANISH PITALE, J.
DATE : 12th DECEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0002 of 2024 dated 2nd January 2024 registered at Pen Police Station, Dist. Raigad, for offences under Section 420 of the Indian Penal Code, 1860 (IPC), Sections 3, 7 and 8 of the Essential Commodity Act, 1955 and Sections 2(A), 2(E), 2(F), 2(G), 2(T), 3 and 3(5) of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention fo Malpractices) Order, 1998.

3. The informant in the present case is an official of the office of the Controller of Rationing and Director of Civil Supplies, who

has stated that in the context of unauthorized and illegal business of petrol and diesel being undertaken, a tanker was apprehended on the Mumbai-Goa Highway, wherein huge amount of diesel being illegally transported was found. Upon the driver and the cleaner being apprehended, the names of the other accused persons came to the fore, including that of the applicant. The allegation against the applicant appears to be that he is one of the persons, who was purchasing such diesel illegally. This led to registration of the aforesaid offences.

4. The learned counsel for the applicant submits that other than the statement of co-accused person, there is no material to link the applicant with the incident in question. He is ready to cooperate with the investigation and that he has no criminal antecedents.

5. The learned APP submits that in such cases, the statement of accused person is the link that leads to others being apprehended. The owner of the tanker transporting the diesel illegally and the persons apprehended at the spot, have taken the name of the applicant as one of the persons purchasing such diesel illegally. It is submitted that in that sense, the ingredients of the offences are made out and since it involves essential commodity, this Court may not show any indulgence.

6. This Court is of the opinion that since other than the statement of the co-accused person, there does not appear to be

any material to link the applicant with the incident in question, coupled with the fact that the applicant has no criminal antecedents and he has undertaken to cooperate with the investigation, the application can be allowed. Merely because the allegations pertain to offences involving essential commodities, cannot be a ground to deny relief, so long as the applicant is ready to cooperate with the investigation.

7. 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. 0002 of 2024 dated 2nd January 2024 registered at Pen Police Station, Dist. Raigad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 16th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions

would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

9. The application is disposed of.

MANISH PITALE, J.