

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3449 OF 2024

Harsharansingh Jogindersingh Bhatia ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Shekhar Jagtap a/w. Mr. Akash Pandey for Applicant.
Mr. Balraj B. Kulkarni, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 18, 2024

P.C. :

. Heard Mr. Jagtap, learned counsel for the applicant and Mr.Kulkarni, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0621 of 2024 dated 15.11.2024 registered with Nashik Road Police Station, District - Nashik, for offences under Sections 3, 7 and 8 of the Essential Commodities Act, 1955, as also Sections 2, 3, 4, 6 and 7 of the Petroleum Act, 1934.

3. The informant, in the present case, has stated that accused No.1 being a driver of a tanker carrying Liquefied Petroleum Gas (LPG) was seen to be illegally transferring the said LPG into commercial gas cylinders, concerning the other two co-accused persons. The allegation against the applicant is that, he is the owner of the tanker in which the LPG was transported.

4. The learned counsel for the applicant submits that, other than the statement of the co-accused person i.e. the driver, there is no material to link the applicant with the illegal activity, leading to registration of the

aforesaid offences. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may consider granting relief.

5. On the other hand, the learned APP submits that the applicant, being the owner of the tanker, shows a direct link with the offences in question as the co-accused i.e. driver of the tanker has specifically stated that the applicant had full knowledge of the said illegal activity.

6. This Court has perused the statement of the informant leading to registration of the FIR and the rival submissions are also considered. The present case concerns transferring LPG illegally into commercial gas cylinders through the said tanker in which the LPG was transported.

7. The only material against the applicant appears to be the statement of the co-accused person about the applicant having knowledge of the illegal activity and the fact that the applicant is the owner of the tanker. This Court is of the opinion that only the statement of the co-accused person and the fact that the applicant is the owner of the tanker may not be sufficient material to show a strong *prima facie* case against the applicant. Therefore, so long as the applicant is ready to co-operate with the investigation, relief can be granted, subject to appropriate conditions being imposed upon the applicant.

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.0621 of 2024 dated 15.11.2024 registered with Nashik Road Police Station, District - Nashik, he shall be released on bail on furnishing PR Bond of Rs.50,000/- with one or two sureties in the like amount;
- B. The applicant shall remain present before the investigating

officer on 20.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;

- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

9. 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 and that the trial Court shall proceed further, without being influenced by the observations made in this order.

10. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)

Minal Parab