



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.148 OF 2024

(Sayyad Faiyaz s/o Sayyad Ahmed and anr. Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. T.U. Tathod, Advocate for the applicants.
Mr. A.G. Mate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JUNE 18, 2024.

Heard.

2. By this application, the applicants are seeking pre-arrest bail. The applicants are apprehending arrest at the hands of police in connection with Crime No.83/2024 registered at police station Karanja city, Taluka Karanja Lad, District Washim for the offence punishable under Sections 3 and 7 of the Essential Commodities Act, the applicants approached this Court for grant of pre-arrest bail.

3. Learned Counsel for the applicants submitted that the accusation against the present applicants is on the basis of report lodged by Harshal Dilip Pawar on an allegation that the complainant, who is working as a Supply Inspector at Karanja Lad, Dist. Washim on 23/01/2024 intercepted one vehicle bearing No.MH-29-BE-2848 owned by the present applicant No.1 and driven by applicant No.2 for the purpose of inspection and during inspection it reveals that the applicants were carrying 50

bags of wheat belongs to the Government. In fact, it was to distribute to the poor strata of the society but the applicants were carrying it for selling in the open market. On the basis of said report, police have registered the crime.

4. Learned Counsel for the applicants submitted that as far as the allegations are concerned which are false one. It was carried to transport it into the government godown. The applicants were intercepted, their custodial interrogation is not required, and therefore, the interim protection granted to them deserves to be confirmed.

5. Learned APP strongly opposed the said application on the ground that the custodial interrogation of the present applicants is required for the purpose of interrogation from which place they have procured the said food grains. Moreover, they have not cooperated with the investigating agency.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR and the investigation papers from which it reveals that the entire stock is already recovered. As far as the submission of the learned APP is concerned which can be taken care of by directing the applicants to attend the police station. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.

(ii) In the event of arrest, the applicants –
1) Sayyad Faiyaz s/o Sayyad Ahmed and
2) Sayyad Aarez s/o Sayyad Ahmed in
connection with Crime No.83/2024
registered at police station Karanja city,
Taluka Karanja Lad, District Washim for the
offence punishable under Sections 3 and 7 of
the Essential Commodities Act, be released on
anticipatory bail on executing a P.R.Bond in
the sum of Rs.25,000/- each with one solvent
surety each, in the like amount.

(iii) The applicants shall attend the
concerned police station as and when
required for the investigation purpose on
issuing the notice in advance by the
Investigating Officer and shall cooperate with
the investigating agency.

(iv) The applicants shall not directly or
indirectly make any inducement and threat or
promise to any person acquainted with the
facts of the present case.

(v) The application is disposed of.

(URMILA JOSHI-PHALKE, J.)