



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.545 OF 2024

Amit Dilip Chakravarti

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Ghuggus, District Chandrapur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. N. Morande, Advocate for applicant.

Mr. K. R. Lule, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 23/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.273/2024 registered with Police Station, Ghuggus, District Chandrapur for the offence punishable under Section 285 read with Section 34 of the Indian Penal Code and under Section 3 and 7 of the Essential Commodities Act, the applicant approached this Court for grant of pre-arrest bail.

2. The learned Counsel for the applicant submitted that the crime is registered under the provisions of 3 and 7 of the Essential Commodities Act. In fact, the applicant is implicated merely on suspicion. His name is appearing on that suspicion only. He submitted that moreover the incriminating plastic Cans 30 in number and having 900 liters of diesel was already seized. The statement of the

witnesses are already recorded, therefore the custodial interrogation of the present applicant is not required.

3. Learned APP strongly opposed the said application on the ground that similar type of the offence was initially registered against the present applicant, considering the antecedents, the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR and the investigation papers from which it reveals that on the day of raid itself, the incriminating 30 Cans were already recovered by the investigating agency. The investigating agency have also drawn the panchanama to that effect and recorded the statements of relevant witnesses including the vehicle owner. Thus, considering that the interrogation part is also completed by the Investigating Officer, therefore the custodial interrogation of the present applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

(i) Application is allowed.

(ii) In the event of arrest, in connection with Crime No.273/2024 registered with Police Station, Ghuggus,

District Chandrapur for the offence punishable under Section 285 read with Section 34 of the Indian Penal Code and under Section 3 and 7 of the Essential Commodities Act, the applicant **Amit Dilip Chakravarti** shall be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall remain present before the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)