



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

CRIMINAL APPLICATION (ABA) NO.748 OF 2024

(Muhammad Javed Jamaluddin Chavan Teli Vs. The 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. M.N. Ali, Advocate for the applicant.
Ms K. Bhondge, A.PP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 22, 2024

Apprehending the arrest at the hands of police in connection with Crime No.292/2024 registered with Police Station, Nandura, District Buldana for the offences punishable under Sections 188 and 285 of the Indian Penal Code and Section 3 and 7 of the Essential Commodities Act, 1955, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report alleging that on 01.05.2024, the Investigating Officer received a secret information as to the illegal storage and selling of petroleum products from a place near Nandura. Accordingly, he has conducted raid. During the raid, he found a truck containing plastic barrels filled up with petroleum products – diesel like substance. The barrels were being emptied in an underground tank. On search, 8400 liters petroleum product worth Rs.5,74,000/- were found, and the material was seized and on that basis, the crime was registered.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, he was

not found on the spot along with the stock, but it was the truck driver who was found in possession of the said stock. Now the stock is already destroyed. As far as the custodial interrogation is concerned, which is not required. The applicant is ready to cooperate with the investigating agency. In view of that, he be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application on the ground that huge stock is recovered at the instance of the driver. His custodial interrogation is required as it reveals during the investigation that he is the Supplier of the said petroleum products. In view of that, prayer for grant of ad-interim protection deserves to be rejected.

5. On perusal of the recitals of the FIR and other documents which are filed along with the application, it reveals that the applicant was not present when the stock was seized by the investigating agency. As far as the allegation that he is the Supplier of the said petroleum product is concerned, his immediate custodial interrogation is not required. The part of the interrogation can be take care of by imposing certain conditions on him. In view of that, the applicant can be protected by granting ad-interim protection. Accordingly, I proceed to pass the following order:

- (i) Issue notice to the non-applicant.
- (ii) Learned APP waives notice for the State.

(iii) The application is allowed.

(iv) In the event of the arrest, the applicant - Muhammad Javed Jamaluddin Chavan Teli in connection with Crime No.292/2024 registered with Police Station, Nandura, District Buldana for the offences punishable under Sections 188 and 285 of the Indian Penal Code and Section 3 and 7 of the Essential Commodities Act, 1955, be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

(v) The applicant shall attend the concerned police station twice in a week i.e. on every Monday and Thursday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case, personally or by way of electronic media.

(vii) On failure to attend the police station the protection granted to the applicant deserves to be cancelled.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)