



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

CRIMINAL APPLICATION (ABA) NO.767 OF 2024

(Naveen Kumar s/o Jagdishprasad Tujlsyan Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.769 OF 2024

(Wilson Sandeep s/o Gilbert Sequira 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. S.N. Singh, Advocate for the applicants.
Mr. S.V. Narale, A.P.P for the State in ABA 767/2024.
Ms S. Haider, A.P.P for the State in ABA 769/2024

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- OCTOBER 25, 2024

Apprehending the arrest at the hands of police in connection with Crime No.1436/2023 registered with Police Station Wani, District Yavatmal for the offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Amol Bhaurao Kumre on an allegation that the applicant - Naveen Kumar s/o Jagdishprasad Tujlsyan is a Director of Hill Top Highrise Pvt. Ltd. and the other applicant - Wilson Sandeep s/o Gilbert Sequira was serving as a Maintenance In-charge in Hill Top Highrise Pvt. Ltd. at Dhanbad. They were found in possession of the bio diesel which was an adulterated product. The same was seized by the police. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the custodial interrogation is concerned which is not required as now nothing is to be recovered from them. In view of that, they be protected by granting ad-interim anticipatory bail.

4. Learned APP in both the applications strongly opposed the applications on the ground that considering the huge material is found in the custody of the present applicants and for interrogation purpose their custodial interrogation is required. In view of that, the prayer for grant of ad-interim protection deserves to be rejected.

5. Considering the allegation against the present applicants and considering the fact that now the entire material is already seized, the immediate custodial interrogation of the applicants is not required. In view of that, the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) Issue notice to the non-applicant, returnable after Diwali Vacation, 2024.

(ii) Learned APP waives notice for the State.

(iii) In the event of the arrest, the applicants by name 1) Naveen Kumar s/o Jagdishprasad Tujlsyan and 2) Wilson Sandeep s/o Gilbert Sequira in connection with Crime No.1436/2023 registered with Police Station Wani, District Yavatmal for the

offences punishable under Sections 3 and 7 of the Essential Commodities Act, 1955, be released on ad-interim anticipatory bail on executing PR. bond of Rs.25,000/- each with one solvent surety each in the like amount.

(iv) The applicants shall attend the concerned police station once in a week i.e. on every Tuesday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(v) The applicants shall not leave the jurisdiction of District Court, Yavatmal without prior permission of the Court.

(vi) The applicants 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) The applicants shall furnish their mobile numbers and addresses along with their address proof before the Investigating Officer.

(viii) On failure to attend the police station the protection granted to the applicants deserves to be cancelled.

6. Copy of this order be furnished to the learned Counsel for the parties to act upon.

(URMILA JOSHI-PHALKE, J.)