



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 592 OF 2024

Vaijinath Mahadji Sontakke
VERSUS
The State Of Maharashtra And Another

Mr. M. A. Kulkarni, Advocate for applicant
Mrs. M. N. Ghanekar, APP for respondent/State

CORAM : R. M. JOSHI, J.
DATE : 31st January, 2025

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 0033/2024 registered in Limbgaon Police Station, Dist. Nanded for offences punishable under Sections 3 & 7 of Essential Commodities Act.
2. First Information report lodged on 21.03.2024 by Supply Inspector in respect of the alleged incident occurred on 13.02.2024 at about 09:30 AM. It is alleged in the report that within a period of an hour food grains of more than 11 quintals were sold in black market.
3. Learned counsel for the applicant submits that there is unexplained delay of more than one month in lodging of the report. She makes categorical statement on instructions that till date the license of Fair Price Shop of applicant is not cancelled. It is further argued that affidavit is filed by applicant indicating the probable reason for which the

false report is filed against applicant.

4 Learned APP opposed the application by contending that there is statement of driver of the truck who has categorically stated about taking the food grains directly from godown to the Fair Price Shop of the applicant. She also drew attention of the Court to the panchanama drawn on 13.02.2024 indicating the less quantity of food grains as compared to the available record in the shop of the applicant. It is submitted that this is a serious crime and hence this is not a fit case for granting anticipatory bail.

5. There is no dispute about the fact that the incident has allegedly occurred on 13.02.2024. The first informant is a Supply Inspector attached to Tahsil Office, Nanded. He cannot have any impediment to approach police and lodge report immediately. He did not whisper any reason for not lodging report for a period of month after appearance of incident. He alleged that within a period of an hour, food grain of about more than 11 quintal was sold in the black market. Though, panchanama is sought to be relied upon. The said panchanama does not show signature of the applicant in whose shop the alleged panchanama was carried out. Though, it is sought to be now argued on behalf of the learned APP that the applicant has refused to sign panchanama, there is absolutely no material on record to indicate so.

Pertinently, license of the applicant is not cancelled till date. In spite of the fact that the offence was registered in March, 2024, all these facts leads to the conclusion that this could be a case of false implication of the applicant. Applicant is said to have been the license of Fair Price Shop for more than 20 years. There are no previous allegations against him of misappropriation.

6. In the light of this, when there is specific allegation made by filing affidavit for the Supply Inspector, has lodged false report that the applicant did not concede to his illegal demand. Hence application stands allowed in terms of interim relief.

(R. M. JOSHI, J.)

bsj