

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 220 OF 2025**

Rajkishor Gunanidhi Dash ... Applicant  
Versus  
The State of Maharashtra & Anr. ... Respondents

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Mr. Sudeep Pasbola a/w Mr. Ayush Pasbola, Rohin R. Chauhan, Mrunal Bhide, Swaraj Sable, Rajan G., Ramprasad Deore and Sharvi Khot for the Applicant.

Mr. A. A. Naik, APP for Respondent No.1-State.

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**CORAM: MANISH PITALE, J.  
DATE : 29<sup>th</sup> JANUARY 2025**

**P.C. :**

. Heard Mr. Sudeep Pasbola, learned Senior Counsel for the applicant and Mr. A. A. Naik, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0002 of 2024 dated 2<sup>nd</sup> January 2024 registered at Pen Police Station, Dist. Raigad, for offences under Section 420 of the Indian Penal Code, 1860 (IPC), Sections 3, 7 and 8 of the Essential Commodity Act, 1955 and Sections 2(A), 2(E), 2(F), 2(G), 2(T), 3 and 3(5) of the Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Prevention fo Malpractices) Order, 1998.

3. The informant in the present case is an official of the office

of the Controller of Rationing and Director of Civil Supplies, who has stated that in the context of unauthorized and illegal business of petrol and diesel being undertaken, a tanker was apprehended on the Mumbai-Goa Highway, wherein huge amount of diesel being illegally transported was found. Upon the driver and the cleaner being apprehended, the names of the other accused persons came to the fore, including that of the applicant. The allegation against the applicant appears to be that he is one of the persons, who was purchasing such diesel illegally. This led to registration of the aforesaid offences.

4. The learned Senior Counsel appearing for the applicant, at the outset, relied upon order dated 12<sup>th</sup> December 2024 passed by this Court in Anticipatory Bail Application No. 3356 of 2024 (*Istiyak Ali Shah v/s. The State of Maharashtra*), whereby co-accused person was granted anticipatory bail by this Court. It was submitted that the aforesaid order was passed in favour of a co-accused person on the ground that other than the statement of another co-accused person, there was no material against the applicant therein to connect him with the offences in question. It is submitted that insofar as the present applicant is also concerned, there is no material other than statements of co-accused persons about the involvement of the applicant in the said offences. On this basis, it is submitted that this Court may consider granting relief to the applicant.

5. The learned APP submitted that when the FIR was

registered, the name of the applicant came to the fore and his name was also taken before the supply Inspector by co-accused persons. Apart from this, emphasis was placed on criminal antecedents of the applicant, which are mentioned in the order passed by the Sessions Court on 14<sup>th</sup> January 2025, rejecting the application for anticipatory bail filed by the present applicant. It is submitted that in such a situation, this Court may not show any indulgence to the applicant.

6. The material on record indicates that other than the statements of co-accused persons, there does not appear to be sufficient material to link the applicant with the incident in question, that led to registration of the said offences. It is also a matter of record that co-accused-Istiyak Ali Shah was granted anticipatory bail by this Court by the aforesaid order, on the very same ground. Therefore, the principle of parity does apply in the favour of the applicant.

7. As regard criminal antecedents of the applicant, the learned Senior Counsel for the applicant took specific instructions in the matter. It was brought to the notice of this Court that out of 7 cases recorded in paragraph 9 of the order of the Sessions Court, 3 cases have been wrongly listed therein. It is clearly stated that one earlier case bearing C.R. No. 174 of 2023 is not mentioned in the said list, but the orders passed in favour of the applicant in such criminal cases would indicate that the respondent cannot rely upon the same for insisting upon the present application being

dismissed.

8. As regards C.R. No. 65 of 2015, it was brought to the notice of this Court that by an order dated 1<sup>st</sup> June 2015, the Sessions Court granted anticipatory bail to the applicant, observing that such a case for grant of relief was made out. As regards C.R. No. 21 of 2018, it was submitted that there was a typographical error in the order of the Sessions Court, for the reason that the correct number is C.R. No. 21 of 2017 and in connection with the same, by an order dated 13<sup>th</sup> December 2017, the Sessions Court granted anticipatory bail to the applicant, thereby demonstrating that he had made out a strong *prima facie* case in his favour. As regards C.R. No. 20 of 2018, reliance was placed on order dated 7<sup>th</sup> April 2024 passed by this Court in Criminal Bail Application No. 1564 of 2019, whereby the Court rendered findings in favour of the applicant, even when provisions of the Maharashtra Control of Organised Crime Act, 1999 were invoked against the applicant and co-accused persons. As regard C.R. No. 89 of 2023, reliance was placed on order dated 14<sup>th</sup> August 2023, whereby the applicant was enlarged on bail. As regards C.R. No. 174 of 2023, reliance was placed on order dated 26<sup>th</sup> October 2023 passed in Anticipatory Bail Application No. 3002 of 2023. In the said order, this Court found that the applicant had made out a case for granting anticipatory bail by relying upon an order dated 4<sup>th</sup> October 2023 passed in Anticipatory Bail Application No. 2763 of 2023 in favour of the co-accused-Ganesh Kashinath Koli, while

granting interim relief to the said co-accused-Ganesh Koli. It is emphasized that in the said order, this Court took note of the fact that other than the statement of co-accused person, there was no material against the accused person for similar offences.

9. In this backdrop, this Court is of the opinion that existence of the criminal antecedents of the applicant in itself cannot be a ground to deny relief. There is also substance in the contention raised on behalf of the applicant that when he was reporting to the Police Station regularly in the light of conditions imposed upon him, when relief of bail/anticipatory bail was granted in his favour, the respondent is not justified in claiming that the applicant is absconding.

10. Sufficient grounds are made out for granting relief in the present application.

11. Accordingly, the application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0002 of 2024 dated 2<sup>nd</sup> January 2024 registered at Pen Police Station, Dist. Raigad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 31<sup>st</sup> January 2025 between

10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

12. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

13. The application is disposed of.

**MANISH PITALE, J.**