



MHCC050066322021

IN THE COURT OF SESSIONS AT DINDOSHI,
BORIVALI DIVISION, GOREGAON, MUMBAI.

ANTICIPATORY BAIL APPLICATION NO.1843 OF 2021

IN

L.A.C.NO.69 OF 2021

Mayur Vijay Gosavi,
Age 40 years Occu.:Nil,
R/a 18/140, Unnat Nagar No.3,
Goregaon(West),
Mumbai.

...Applicant/Accused.

V e r s u s

**The State of Maharashtra
(Aarey Police Station)**

...Respondent.

Shri Rajiv Desai Advocate for the Applicant/Accused.
Miss R.S.Kanojia A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division Dindoshi.
(C.R.NO.15)
Dt.20th January, 2022.

O R D E R

1. The present application is filed by the applicant/ accused
for the Anticipatory Bail. Perused the application and say thereon vide

Exh.3. Heard the learned advocate for the accused Shri Rajiv Desai & the learned A.P.P Miss R.S.Kanojia for the State. I have gone through the case papers, say of the police & the case diary. It is seen that the present applicant/accused along with the other accused alleged to have been committed the offences punishable u/s 3, 7 & 8 of the Essential Commodities Act, 1955 along with 3, 6 & 8 of the Bombay Rationing Area Scheduled Commodities (Regulation of Distribution Order 1986), The Maharashtra Schedule Commodities Licensing(Second) order 1966, The Maharashtra Schedule Commodities Licensing(Second) Regulation of Distribution 1966 & P.D.S.Order, 2001 & National Food Safety Bill, 2013 which is registered vide L.A.C. No. 69 of 2021 at Aarey Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant P.S.I. Pramod Ganpati Sawant alongwith the statements of the witnesses and the seizure panchnama etc clearly show that the complainant raided the spot of incident on 17/12/2021 at about 8.30 P.M situated at Godown No.3, Unit No. 2, Aarey Colony, Goregaon wherein he found that 21 Hamaals were present alongwith 3 Trucks while loading the grains etc which was allotted for the poor people on Ration Cards by which the complainant arrested the said 21 Hamaals and the other accused namely Rakib Khan etc as well as seized the said trucks etc under the seizure panchnama.

3. It is to be noted here that the prosecution contended that the accused Rakib Khan etc informed that the present accused is tenant of the Aarey Prashasan on rent and sub let to the accused Rakib Khan whereby he is occupation and possession of the said Godown Nos.2 & 3. No doubt, the record clearly shows that the present accused has taken

the said Godown Nos.2 and 3 on rent from Aarey Prashasan through tender and sublet the same to the accused Rakib Khan who alleged to have been in the occupation and possession of the said Godown Nos.2 and 3. However, there is no material on record to show that the present accused was directly or indirectly involved in the alleged offences. In contra, the dispute between the Aarey Prashasan and the present accused is of the civil in nature and the investigation officer has no reason to look into the same but the present accused is undertook vide Exh.4 that he is ready to handover the said Agreement to the investigation officer between him and the said accused Rakib Khan in respect of the subletting.

4. The present accused is the permanent resident of 18/140, Unnat Nagar No.3, Goregaon(West), Mumbai and he is ready to abide all the terms & conditions imposed by the court & there is a Corona Pandemic rising in Mumbai & jail is also not the exception but the police can not be permitted to arrest the innocent person when he has no concerned with the other accused or the alleged offences or crime by which the detention of the accused can not be justified if some reasonable conditions are imposed.

5. In such circumstances, I am of the view that this is the fit case in which the Anticipatory bail can be granted to the applicant/accused by invoking the provisions laid down u/s 438 of The Cr.P.C. Hence, I proceed to pass the following order.

ORDER

The application is hereby allowed.

The applicant/accused **Mayur Vijay Gosavi** be released on bail in the crime bearing L.A.C.No. 69 of 2021 u/s 3, 7 & 8 of the Essential Commodities Act, 1955 along with 3, 6 & 8 of the Bombay Rationing Area Scheduled Commodities (Regulation of Distribution Order 1986), The Maharashtra Schedule Commodities Licensing (Second) order 1966, The Maharashtra Schedule Commodities Licensing(Second) Regulation of Distribution 1966 & P.D.S.Order, 2001 & National Food Safety Bill, 2013 at Aarey Police Station on furnishing P.R.Bond of Rs.25,000/-(Rs. Twenty Five Thousands only)with one or two sureties in the event of the arrest.

The applicant/accused shall not tamper with the prosecution evidence in any manner & remain present on every Monday between 11.00 A.M. to 5.00 P.M before the I.O at Aarey Police Station.

(A.Z.Khan)

Additional Session Judge
Borivali Div, Dindoshi.

Date :- 20.01.2022.

Dictated on : **20.01.2022**
Typed on : **20.01.2022**
Signed on : **20.01.2022**

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

20.01.2022 at 4.01 P.M.

(Sushama.S.Chudji)

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)

SHRI. A. Z. KHAN
(C.R. NO.15)

Date of Pronouncement of JUDGMENT/ ORDER

20.01.2022

JUDGMENT/ORDER signed by P.O. on

20.01.2022

JUDGMENT/ORDER uploaded on

20.01.2022