

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

CRIMINAL APPLICATION NO.2963 OF 2015

Alhad S/o Balasaheb Wagh
Age 52 years, Occ-Agril
R/o Ter, Tal & Dist.Osmanabad .. APPLICANT

Versus

1]The State of Maharashtra
[Copy to be served on G.P. Office
High Court Bench at Aurangabad]

2]Superintendent of Police
Osmanabad,Dist.Osmanabad ..RESPONDENTS

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Shri S.B.Choudhari,Adv. for applicant
Smt.P.J.Bharad,APP for respondent State
Smt.Anjali Dube, Adv. to assist A.P.P.

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**CORAM : V.M.DESHPANDE,J.
DATED : 21ST JULY, 2015**

ORDER :-

This is an application for anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.36/15 registered with Dhoki police station, Dist.Osmanabad for offences punishable u/s 409, 420, 465, 468, 471 r.w. 34 of I.P.C.

2] I heard Shri S.B.Choudhari, learned counsel for applicant, Mrs.Bharad, learned A.P.P. for the State and Mrs.Anjali Dube, learned counsel for first informant.

3] The FIR is lodged by Shri Laxman Kankal who is the District Manager of Mahabeej Osmanabad.

4] It is not in dispute that Mahabeej is having its head office at Akola and it deals in seeds. According to the FIR, at the time of Kharip season one Laxmikant Mane was Area Manager at Osmanabad. The said Laxmikant Mane is having cordial relations with the present applicant Alhad Wagh. According to the FIR, these two persons in collusion with each other have cheated the Corporation worth Rupees more than a Crore by supplying the admixture seeds as if those seeds are duly certified by the agency for its certification.

5] The learned counsel Shri Choudhari invited my attention at pages 10 to 12 of the compilation to point out that the lot of the applicant was duly certified by the Seeds Certification Officer and thereafter, those seeds were supplied to the Corporation and ultimately those were distributed to the farmers. Therefore, he submitted that applicant cannot be held responsible for any loss caused to the Corporation or to any of the farmers.

6] Though the submission made by the learned counsel appears to be very attractive at the first brush, however, if the FIR is minutely scanned, then it is clear that after getting certification from the Government agency those certified seeds were mixed with the other seeds by the present applicant in collusion with the Area Manager Laxmikant Mane and after the same were sown by the farmers, it was noticed that those farmers that they are cheated, therefore, they made a complaint that required the Corporation to appoint one Dr.K.S.Baig of Marathwada Agriculture University, Parbhani to

examine the issue and after he examined the said issue and thereafter he gave report pointing out that there is admixture in the seeds to the extent of 25% to 30%.

7] The offence for which the applicant is charged is serious one. He has not only cheated the Corporation however, he has also cheated the general farmers. Thorough investigation is required in this matter in order to unearth the involvement of any person even from the Corporation. In that view of the matter, this is not a case wherein the Court should exercise discretion in favour of the applicant. Hence application is rejected and the order dated 15/6/2015 granting interim relief in favour of the applicant stands vacated.

(V.M.DESHPANDE,J.)

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