

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

CRIMINAL APPLICATION NO. 3317 OF 2015

Sunil s/o Lalasaheb Rawas

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. S.V.Deshmukh, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 14th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 115/2015 registered with Paithan police station, District Aurangabad for the offences punishable u/s 420 of the Indian Penal Code, u/s 8 of Seeds [Control] Order, u/s 4 of the Maharashtra Cotton Seeds [Regulation of Supply, Distribution, sale and fixation of sale price] Act, 2009 and u/s 3 of Essential Commodities Act, 1955.

2. Heard Mr. S.V.Deshmukh, learned counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for respondent – State in extenso.

3. F.I.R. is lodged by Sandip Dashrath Shirsath, who is Agricultural Officer in Panchayat Samiti, Paithan. According to F.I.R., on 08/06/2015, through E-mail he received the Notification bearing No. B-2715/Pr.Kr./26/1 dated 08/06/2015. F.I.R. discloses that after the said notification, he took xerox of the said Notification and it was brought to the notice of all the Seeds seller in between 4.30 – 5.00 p.m. on 08/06/2015 pointing out that henceforth the price of the seed should be Rs.830/- in stead of Rs. 930/-. According to F.I.R., when first informant had been to the Agriculture service centre owned by the applicant, he noticed that on 08/06/2015 present applicant has sold seed @ Rs. 930/- as per Bill No. 1795 and, therefore, he has committed offence.

4. Undisputedly, the notification received by the first informant was brought to the notice of the concerned persons like applicants in between 4.30 – 5.00 p.m. on 08/06/2015. Bill No. 1795, by which seed was sold to Mahadeo Keshav Jadhav does not reflect time. Further, the statement of Mahadeo is also available in the investigation papers. It does not reflect whether he has purchased the seed in question in the evening i.e. after 5.00 p.m. on 08/06/2015. F.I.R. itself recites as under :-

“ विकेत्याने अधिसूचना मिळण्यास अगोदर
शेतक-यांना ०८/०६/२०१५ रोजी बियाणे विक्री
केलेले होते ”.

That itself shows that the transaction took place

between the present applicant and Mahadeo Keshav Jadhav prior to issuance of Notification on 08/06/2015. *Prima facie*, case is made out by the applicant in his favour. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) Interim order granted in favour of applicant Sunil s/o Lalasaheb Rawas dated 26/06/2015 is confirmed.
- (iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]