

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

Criminal Application No. 4328 of 2016

District : Latur

Vijaykumar s/o. Gangadharappa
Swami,
Age : 26 years,
Occupation : Agriculture,
R/o. Sawarmal,
Taluka : Mukhed,
District : Nanded.

.. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station, Aurad Shahajani,
Taluka : Nilanga,
District : Latur.

.. Respondent.

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Mr. Ankush N. Nagargoje, Advocate, for the applicant.

Mr. A.S. Shinde, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 7TH SEPTEMBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 90/2016, for offences punishable under Sections 3, 7 & 10 of the Essential Commodities Act; under Clauses

7, 19 and 35 of the Fertilizer Control Ordinance, 1986 and under Section 420 read with Section 34 of the Indian Penal Code, registered with Police Station, Aurad Shahajani, Taluka Nilanga, District Latur, by this application, is seeking his release on bail.

2. Heard the learned Counsel appearing for the applicant as well as the learned Addl. Public Prosecutor appearing for the respondent.

3. The learned Addl. Public Prosecutor opposes the application by contending that the crime committed by the applicant and co-accused Dinesh s/o. Suresh Kulkarni is serious as they had sold fertilizer of substandard quality by packing it in the duplicate bags of Zuari Agro-Chemicals Limited (I), Goa.

4. Perused the FIR as well as record made available. The crime in question is registered on the basis of report lodged by Maheshkumar s/o. Sugriv Kshirsagar, Fertilizer Inspector serving with Agriculture Development Officer, Zilla Parishad, Latur. During enquiry by the informant - Fertilizer Inspector, he found that co-accused Dinesh Kulkarni was having stock of 215 bags each weighing 50 Kg. of Jaikisan Samrat Fertilizer allegedly manufactured by Zuari Agro-Chemicals Ltd.(I). The informant took

sample of fertilizer sold by co-accused Dinesh Kulkarni from agriculturists Babruwan Pawar and Sugriv Solanke. The sample was subjected to chemical analysis at the Government Laboratory. Ultimately it was found that fertilizer was not of type '*d.a.p. (184600) Jaikisan Samrat*' manufactured by Zuari Agro-Chemicals Ltd.(I).

5. It is seen that the crime alleged committed by co-accused Dinesh Kulkarni is very serious as he has sold substandard fertilizer under the brand name '*d.a.p. (184600) Jaikisan Samrat*'. Perusal of the FIR goes to show that several agriculturists have purchased that substandard fertilizer under the impression that the same is manufactured by Zuari Agro-Chemicals Ltd.(I).

6. So far as present applicant is concerned, allegations against him are to the effect that co-accused Dinesh Kulkarni has purchased bags meant for stacking the fertilizer prepared by him. Remand report shows that the present applicant had supplied 450 empty duplicate bags of '*d.a.p. (184600) Jaikisan Samrat*' fertilizer to the main accused. Considering the limited role ascribed to the present applicant in the crime in question, though the same appears to be very grave, further pre-trial detention of the applicant is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 30,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As a condition of this order, the applicant shall attend concerned Police Station on every second and fourth Sunday, in between 11.00 a.m. and 01.00 p.m., till filing of the charge-sheet.

(d) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(e) The applicant shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet, if any, against him.

(f) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the
aforesaid terms.

(A.M. BADAR)
JUDGE

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