

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

CRIMINAL APPLICATION (ABA) NO.160 OF 2016

(Ramesh Ramchandra Akotkar ..vs.. State of Maharashtra, through PSO,PS Akot (Gramin) District
Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 06-05-2016

Heard Shri R.L. Khapre, Advocate for the
applicant and Shri N.B. Jawade, Additional Public
Prosecutor for the non-applicant.

2. The applicant apprehends arrest in crime registered against him for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act, 1955 and Clauses 3, 9 and 18 of the Seeds (Control) Order, 1983.

3. The crime is registered against the applicant on the complaint of eight agriculturists that the applicant has played fraud and cheated them by supplying substandard seedling G-9 type of Banana and the applicant carried on the activities without having licence.

4. The learned Advocate for the applicant has stated that there is no cheating or fraud and the crops of the

complainants are very good. It is submitted that, to show the *bonafides*, the applicant will deposit Rs.8,00,000/- (Rupees Eight Lakh) within three weeks with the Registry of the Sessions Court.

5. The application is opposed on various grounds. One of the contention on behalf of the non-applicant is that the Village Development Officer has issued the certificate which shows that the firm in the name of which the applicant is conducting business, is not in existence.

6. The applicant has filed documents on record to show that the firm existed earlier.

7. After considering the rival contentions, I find that the non-applicant has not been able to show that custodial interrogation of the applicant is required for further investigation.

8. Hence, the following order :

- i) The solemn assurance given on behalf of the applicant that he will deposit Rs.8,00,000/- (Rupees Eight Lakh) with the Registry of Sessions Court, Akot is accepted.
- ii) The amount of Rs.8,00,000/- (Rupees Eight Lakh) which will be deposited by the applicant shall be kept in fixed deposit in a nationalised

bank. The Sessions Court shall pass appropriate orders about disbursement of the amount at the time of conclusion of the trial.

- iii) It is directed that in the event of arrest in Crime No.14/2016 registered by the non-applicant, the applicant be released on bail, on furnishing P.R. Bond for Rs.25,000/- and one solvent surety in the like amount.
- iv) As this order is passed on the solemn assurance given on behalf of the applicant, as recorded above, if the applicant commits default in abiding by the solemn assurance, this order shall stand recalled.
- v) The application is allowed in the above terms.

JUDGE

pma