

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.178/2016

Vaibhav S/o Govindrao Fuke

..Versus..

State of Maharashtra, through, P.S.O., P.S. Akot (Rural), Tah. Akot, Distt. 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.

DATE : 6.5.2016

Heard Shri R.K. Tiwari, advocate for the applicant and Shri N.B. Jawade, A.P.P. for the non-applicant.

The applicant apprehends arrest in crime registered against him for the offence punishable under Sections 420 and 34 of the Indian Penal Code, Clauses 3, 9 and 18 of the Seeds Control Order, 1983 and Sections 3 and 7 of the Essential Commodities Act.

The crime is registered on the complaint of some Agriculturists that the applicant has played fraud and cheated them by issuing receipt for booking G-9 Banana seeds without possessing any license. According to the prosecution, license of the applicant given by Department of Bio - Technology expired on 9th March, 2013 still the applicant continued the activity beyond March, 2013 and produced G-7 and G-8 Banana seeds till 6th October, 2014.

The applicant has given the explanation that the entries in the stock register of nursery showing the sale of tissue culture plants till 6th October, 2014 are not in respect of production of tissue culture. Tissue culture are developed by Vasant Biotech Lab

situated at a distance of 18 kilometers from the nursery.

After hearing the rival submissions, I find that the non-applicant has not been able to show that the custodial interrogation of applicant is required for further investigation. Hence, in my view, the interim order passed on 23th March, 2016 is required to be confirmed.

Hence, the following order:

- (i) 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.50,000/- (Rs. Fifty Thousand Only) and one solvent surety in the like amount.
- (ii) The application is **allowed** in the above terms.

CRIMINAL APPLICATION (APPP) NO.387/2016.

In view of disposal of main application, this application does not survive and is **disposed** accordingly.

JUDGE