

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12967 of 2016

ORDER:

The petitioner, who is A.2 in crime No.51 of 2016 of Mangapet Police Station, Warangal District, preferred the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for the offence punishable under Sections 420, 486, 487 of Indian Penal Code and Section 3 (1) of Seed Control Order, 1983.

The case of the prosecution is that on 09.07.2016 at about 1.00 p.m. on reliable information, the SI of Police along with other staff proceeded to Vadagudem Village of Mangapet Mandal and near the bus stop found one person along with one black bag moving under suspicious circumstances. On interrogation, the said person revealed his name as Srinivas Rao. It is alleged that said person confessed that on instructions of his owner i.e. petitioner herein he came to Vadagudem Village from Guntur to sell spurious chilly seed packets to the farmers. Basing on these allegations, present case came to be registered.

Learned counsel for the petitioner mainly submits that the petitioner is innocent of the offence alleged and a false case has been foisted against the petitioner. According to the counsel, petitioner is no way concerned with the chilly seed packets, which are alleged to have been seized from the possession of A.1. He further submits that till date, no evidence has been collected by the prosecuting agency to connect the petitioner with the crime. The same is strongly opposed by the learned Public Prosecutor

contending that the offence is grave and serious in nature. He further submits that material on record establish that A.1 was selling chilly seed packets at the instance of the petitioner herein.

As seen from the material on record, A.2 is the proprietor of M/s.Sri Bhavani Mirchi Traders, A.3 is the Proprietor of M/s.Pooja Hybrid Seeds Company and A.4 is the Proprietor of M/s.Navadanya Hybrid Seeds Company at Guntur. A.1 is none other than the employee of A.2. Therefore, the arguments of the learned counsel for the petitioner that the petitioner has no role to play in A.1 selling chilly seeds cannot be considered. It appears that A.2 to A.4 hatched a plan to sell the spurious seeds to the needy farmers through A.1 due to shortage of mirchi seeds. The learned Public Prosecutor submits, usage of these chilly seeds lead to heavy loss to the ryots.

Though the case is based on confession of co-accused, but having regard to the nature of allegations made and also the relationship between A.1 and A.2, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender before the concerned Court and move an application seeking regular bail after giving prior notice to the concerned Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest.

With above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

07.09.2016
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