

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

**Criminal Application [ABA] No.850 of 2017**

*Shridhar Pandurang Patil vs. State of Maharashtra, through P.S.O. Shegaon, District Buldhana*

**with**

**Criminal Application [ABA] No.851 of 2017**

*Nilesh Premasukhdas Rathi vs. State of Maharashtra, through P.S.O. Shegaon, Dist. Buldhana*

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 Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.  
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Court's or Judge's Orders

*Shri A.M. Ghare, Advocate for the Applicants.*  
*Shri V.P. Gangane, A.P.P. for the Non-Applicant/State.*

**CORAM : S.B. SHUKRE, J.**  
**DATE : 14<sup>th</sup> MARCH, 2018.**

Heard.

Perused the F.I.R., the documents placed on record and also the reply of the prosecution. The impression that one gets is that the wrong doings of certain officials have been sought to be justified by giving a specious reason that those officials acted under the pressure brought upon them by these applicants and committed those irregularities or illegalities. The irregularities or illegalities committed by those officials, according to the case of the complainant, relate to selling of Tur by these applicants to NAFED in excess of the quota allotted to both these applicants for sale of Tur. The further allegation is that there was an advantage in selling Tur to NAFED, because NAFED gave higher price per quintal for the

purchase of Tur than what would have been granted in the open market. The officials of NAFED or APMC are admitting that procedure to be followed by making such purchases, was not followed, but they say that the reason for not complying with the procedure by them was the pressure tactics indulged in by these applicants. Such justification given by the officials appears to have been accepted by the police and that is the reason why no offences have been registered against them so far. At the same time, the denial of bringing of such alleged pressure upon the officials has not been accepted by the police and the result is of registration of the offences against these applicants. Now the question is, in the whole transactions allegedly made by or at the instance of these applicants, there was any dishonesty or misrepresentation in order to chit NAFED or not and as of now, there is no material produced on record to show that any false representations were made by these applicants to those officials. Rather, the case of the prosecution is that, some pressure tactics were employed by these applicants broadly indicating that there was no false representation or misrepresentation made by the applicants and that even the officials knew, as per the own case of police that ordinarily they would not proceed to allow such purchases, but for those alleged influences or pressure tactics.

Besides, when the officials involved in these illegalities or irregularities being made an accused, it would be very difficult for the Investigating Officer to know the whole truth, particularly, the one relating to the offence of cheating.

Even otherwise, every single transaction has been admittedly documented and record of entries has been created. These documents and such record is not in the custody of these applicants, but in the custody of the APMC. So, at this juncture, there appears to be no need for any custodial interrogation.

In the circumstances, I am of the view that the allegations made against these applicants being vague in nature and in any case, their custodial interrogation being not required, these applicants deserve to be granted confirmed anticipatory bail.

Accordingly, both the applications are allowed and the interim anticipatory bail granted to these applicants by this Court on 27<sup>th</sup> November, 2017 is confirmed on the same conditions except for the condition of their attendance at the police station and now it is directed they shall attend the concerned police station as and when required.

**JUDGE**