

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5751 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner/A.3 in Crime No.53 of 2018 of Dahegaon Police Station, Komarambheem Asifabad District, registered for the offences punishable under Section 420 IPC and Section 19 of Seeds Act 1966 read with Seed Bill 2011.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

3. It is for the alleged spurious loose seeds of unpacked 41 kgs in two bags allegedly supplied by the petitioner to A.1 and A.2, that was seized from them from their business unit. The crime registered against three persons. The petitioner claims innocence and false implication and a confession of co-accused no way admissible before police and hit by Section 25 of the Evidence Act.

4. Learned Public Prosecutor opposed the bail application saying the accused persons are playing with the innocent agriculturist by sale of the spurious seeds and the petitioner is root cause.

5. In fact, the offence punishable is for if at all the offence of cheating made out seven years maximum and other offences are far below to that.

6. Having regarding to the above, the criminal petition is disposed of in the factual scenario with a direction to the police if at all any

arrest is required, they strictly follow Section 41-A Cr.P.C. and the guidelines of the Apex Court in **Arnesh Kumar v. State of Bihar**¹.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

29th June 2018.

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¹ (2014) 8 SCC 273