

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

Criminal Application (ABA) No. 70 of 2019
Vidyasagar Ukey Vs. State Through P.S. Civil Lines, Akola City

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

Court's or Judge's orders

Mr.R.M. Patwardhan, Advocate for applicant.
Mr. M.J. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 17, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 6.9.2015, registered against him and other accused persons for alleged offences under Sections 408, 409, 420 of the Indian Penal Code.

2. The allegations in the FIR, registered at the behest of officer of the Government of Maharashtra undertaking, Mahabeej, Akola are that the applicant and other officers of the Maharashtra State Seeds Corporation Limited connived and caused loss to Government by withdrawing amounts that were actually meant for payment of compensation to the farmers, who had suffered losses due to defective Soybean seeds provided by the said Corporation to the farmers. The applicant has been working as Field Officer of the said Corporation.

3. The learned counsel for the applicant

pointed out that the FIR was registered way back in the year 2015 and now the police machinery is seeking to apprehend the applicant when the complaint and other material on record is self-contradictory and it does not support the allegation levelled against applicant. It is pointed out that one of the accused persons has been already granted anticipatory bail by the Sessions Court by order dated 03/10/2015, taking note of the fact that the FIR appears to have been lodged on the basis of suspicion and that amounts through cheques stood credited in the account of the Mahabeej Credit Society, instead of the account of the said accused persons. The allegation appears to be that while amount towards compensation was to be distributed to farmers, the said amounts were diverted to the Employees' Society, causing loss to the Corporation and the farmers did not receive their due compensation.

4. A perusal of the complaint indicates that the specific role attributed to the applicant was that he caused certain amounts meant for farmers to be withdrawn and used by him. But, the said allegation, prima facie, appears to be contradictory in nature and it appears that the employees of the said Corporation have been shown accused due to alleged loss suffered to the Corporation and amounts meant for the farmers being diverted.

5. In the absence of specific role attributed to

the applicant, it is difficult to understand as to why the non-applicant State has insisted upon custodial interrogation of the applicant in connection with the FIR, registered way back in the year 2015. As long as the applicant is ready to cooperate with the investigation, there does not appear to be any necessity for custodial interrogation. In fact, on 4.2.2019, this Court while issuing notice granted ad-interim protection to the applicant on the condition that he would attend Police Station once a week.

6. In view of the above, the applicant has made out a case for grant of anticipatory bail.

7. Accordingly, the present application is allowed.

8. The applicant is granted anticipatory bail in terms of the ad-interim protection granted by the order dated 4.2.2019.

9. Accordingly, the applicant shall continue to attend Police Station Civil Lines, Akola City twice in month i.e. on 2nd and 4th Sunday of each month between 10.00 a.m. to 5.00 p.m. He shall continue to co-operate with the investigation and he shall not influence the witnesses.

JUDGE