

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

CRIMINAL APPLICATION (ABA) NO.490/2019

Shri Dhananjay s/o Vitthalrao Mahajan

..VS..

The State of Mah., thr. PSO Warud, Police Station Warud Tahsil Ward,
District Amravati

WITH

CRIMINAL APPLICATION (ABA) NO.491/2019

Shri Rambir s/o Jodharam Singh

..VS..

The State of Mah., thr. PSO Warud, Police Station Warud Tahsil Warud,
District Amravati

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

Court's or Judge's Order

.....
ABA NO.490/2019

Shri P.J.Mehta, Counsel for the Applicant.

Shri J.Y.Ghurde, Addl.P.P. for the State.

ABA NO.491/2019

Shri P.J.Mehta, Counsel for the Applicant.

Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : **V.M.DESHPANDE, J.**

DATED : **SEPTEMBER 04, 2019.**

1. Heard learned counsel Shri P.J.Mehta for applicants in both applications and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the State.

2. Present applicants are apprehending their arrest in connection with Crime No.272/2019 registered with

.....2/-

Warud Police Station, District Amravati for offences under Sections 420 read with Section 34 of the Indian Penal Code and under Sections 3 and 7 of the Essential Commodities Act, 1955 and under Sections 8, 9, 19, and 19(C)(ii) of the Fertilizer Control Order, 1985.

3. According to the prosecution, Fertilizer Officer and Taluka Agriculture Officer Ujjwal Ramdas Agarkar, lodged a complaint whereby it is stated that on 10.6.2019 he received an information that duplicate fertilizers are available at village Fattehpur, Post Surali, Taluka Warud, District Amravati. According to the prosecution case, Nilkant Madhukar Dhabale was possessing fertilizers. When the first informant directed the said accused to show permit, the accused could not point out permit to him. Said Nilkant Dhabale fled away from the spot. According to the prosecution, during the course of investigation, statements of witnesses were recorded. The first informant also received more information and accordingly he along with other staff seized 29 Bags of "Chamatkar Soil Conditioner; 15 Bags of "B.A.P. Navratna Fertilizer", and 13 Bags of "Plantogin-Zyme."

4. Custodial presence of applicants has sought for the purposes of getting full information in respect of manufacturing of those articles.

5. This Court (Coram : Manish Pitale, J.), on 19.7.2019 granted *ad interim* protection in favour of present applicants on condition that applicants shall attend

police station on 24.7.2019 and, thereafter, as and when required by Investigating Officer.

6. According to learned counsel Shri P.J.Mehta for applicants, applicants attended police station and joined investigation. The said is not disputed by learned Additional Public Prosecution Shri J.Y.Ghurde for the State.

7. Since custodial presence of applicants is required only for interrogation, in my view, the said can be achieved by directing applicants to attend police station. Hence, I pass following order:

ORDER

(i) Criminal applications are allowed.

(ii) In the event of arrest of applicant Dhananjay s/o Vitthalrao Mahajan and applicant Rambir s/o Jodharam Singh, in connection with Crime No.272/2019 registered with Warud Police Station, District Amravati for offences under Sections 420 read with Section 34 of the Indian Penal Code and under Sections 3 and 7 of the Essential Commodities Act, 1955 and under Sections 8, 9, 19, and 19(C)(ii) of the Fertilizer Control Order, 1985, they be released on bail on they executing P.R.Bond in the sum of Rs.25,000/- by each of them with one solvent surety by each of them.

(iii) Applicants are directed to attend the police station from 9.9.2019 to 13.9.2019 and shall be with Investigating Officer

from 10:00 a.m. to 5:00 p.m..

(iv) It is expected from Investigating Officer to complete all interrogations.

(v) With this, the criminal applications are disposed of accordingly.

JUDGE

!! BRW !!

...../-