

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 40 OF 2021

Dagadu s/o Nanabhau Ambhore,
Age 47 years, Occ. Service,
R/o. Plot No. 43, Near House of
Ashok Tayade, Yeshwant Nagar,
Ambad road, Jalna.

... **Applicant.**

VERSUS.

The State of Maharashtra,
Through Police Station Osmanabad
(City), Tq. & Dist. Osmanabad.

... **Respondent.**

...
Advocate for the Applicant : Mr. Shinde Ganesh P
APP for the Respondent/State : Mr. V. S. Badadkh.

CORAM : MANGESH S. PATIL, J.

DATE : 24.06.2021.

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure as the applicant is apprehending arrest in connection with Crime No. 250/2020, registered with Osmanabad (City) Police Station, District Osmanabad, for the offences punishable under Section 420 of the Indian Penal Code, under Section 6(b), 7(b) of the Seeds Act, 1966 and Rule 23(A) of the Seeds Rules, 1968.

2. F.I.R. has been lodged by a Seeds Inspector alleging that seeds without any potential to germinate were sold by the applicant to an agriculturist thereby cheated the agriculturist and also committed the aforementioned offences under the Seeds Act and Rules framed thereunder.

3. I have heard the learned advocate for the applicant and the learned A.P.P. Like many other similar cases, the present F.I.R. has been registered pursuant to a direction of this Court in a *sue moto* P.I.L. The order passed

wherein has subsequently been stayed by the Supreme Court in Special Leave Petition (Criminal) Diary No. 13972/2020 by the order dated 20.07.2020.

3 As is pointed out, in several of such matters, this Court has granted protection to the respective Officials of the Company by granting anticipatory bail. Suffice for the purpose to refer to the decision in the case of Anticipatory Bail Application No. 1177/2020 dated 05.02.2021 and Anticipatory Bail Application No. 1129/2020 dated 16.12.2020.

4. As has been observed in these orders, there would be a serious doubt as to if the offence under Section 420 of the Indian Penal Code would be attracted in the facts and circumstances.

5. Going by the papers of the investigation, not even samples of the seeds have been taken. It is under these circumstances, the applicant deserves to be granted anticipatory bail.

6. The Application is allowed.

7. In the event of arrest of the applicant in connection with No. 250/2020, registered with Osmanabad (City) Police Station, District Osmanabad, for the offences punishable under Section 420 of the Indian Penal Code, under Section 6(b), 7(b) of the Seeds Act, 1966 and Rule 23(a) of the Seed Rules, 1968, he shall be released on bail on executing personal recognizance for an amount of Rs. 50,000/- and furnishing a solvent surety in the like amount, subject to following conditions :

(a) He shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate him.

(b) He shall not tamper the evidence of the prosecution or influence the witnesses.

(MANGESH S. PATIL, J.)

mkd/-