

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 ANTICIPATORY BAIL APPLICATION NO.251 OF 2021

RAJENDRA BAPURAOJI GULKARI
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ganesh P. Shinde
APP for Respondents: Ms. R.P. Gaur.

CORAM : MANGESH S. PATIL, J.

DATE : 03.07.2021.

PER COURT:

1] The applicant is seeking anticipatory bail in connection with crime No. 0147/2020 registered at Dharmabad Police Station, Dist. Nanded for the offences punishable under Sections 420, 34 of IPC and Under Sections 6(b), 7(b) of Seeds Act and Rule 23(D) of Seeds Rules, 1968.

2] Heard learned Advocate for the applicant and learned APP for the State. Perused the papers.

3] The FIR has been registered by the Agricultural Officer, pursuant to the directions issued by the Division Bench of this Court, which had taken suo-motu cognizance of the report in the electronic media, regarding helplessness of the farmers who had sown Soybean seeds because of astonishingly less percentage of germination.

4] The applicant, who happens to be an Administrative Officer, holding the post of Regional Manager of the manufacturer, is now being implicated under the aforementioned provisions.

5] At the outset, it is necessary to note that in spite of lapse of so many days since registration of the FIR, there is no material to prima facie show that the applicant is an Officer, who was having some role in the process of manufacturing seeds. There is no record to demonstrate that he was atleast having knowledge about there being sub-standard production of seeds, for which he can be made to answer.

4] In the absence of any such material to attribute malice and mens-rea there would certainly be a doubt whether the applicant can legitimately be implicated for the offence. Though it may not be strictly relevant, but this Court has granted anticipatory bail to several such persons, whose case is similar to the one that of the present applicant in respect of various crimes registered pursuant to the directions by the Division Bench, the judgment in which has been stayed by the Honourable Supreme Court.

5] The applicant has already been protected by way of an ad-interim order dated 23.3.2021. There are no allegations about the breach of any conditions and the interim order deserves to be confirmed.

6] The application is allowed. The ad-interim anticipatory bail granted by this Court vide order dated 23.3.2021 stands confirmed on the same terms and conditions, with a clarification that the condition regarding attendance would cease on filing final report by the I.O.

[MANGESH S. PATIL]
JUDGE.