

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
940 ANTICIPATORY BAIL APPLICATION NO.615 OF 2021

RAJKUMAR MARUTI BABAR
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. 0225/2020 registered at Ahmedpur Police Station, Dist. Latur for the offences punishable under Sections 420, 34 of IPC and Under Sections 6(b), of Seeds Act and Rule 23(A)(2) 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 Territory Business 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. Hence, the application deserves to be allowed.

5] The application is allowed. In the event of arrest of the applicant in connection with Crime No. 0225 of 2020 registered with Ahmedpur Police Station, Dist. Latur for the offences punishable under Sections 420, 34 of IPC and Under Sections 6(b), of Seeds Act and Rule 23(A)(2) of Seeds Rules, 1968, he shall be released on bail on his executing personal recognizance for an amount of Rs. 30,000/- and on furnishing solvent surety in the like amount, subject to following conditions :-

a] He shall attend the concerned police station as and when called by the IO and shall cooperate him.

B] He shall not tamper the evidence or influence the witnesses.

grt/-

[MANGESH S. PATIL]
JUDGE.