

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

Criminal Application (ABA) No.385/2021

Bharatbhai Patel V State of Maharashtra

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

Court's or Judge's Orders

Shri Anil A Dhawas, Adv for applicant.
 Shri N.R. Rode, APP for State.

CORAM : S.M. MODAK, J.

DATE : 01st JULY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Dhawas for the applicant.

3. Issue notice to the respondent.

4. Shri Rode, learned APP, waives notice for the State.

5. Learned Advocate Shri Dhawas for the applicant claims that the applicant has not been named in the FIR and he has approached this Court on account of apprehension caused to him due to visit of Police of Kelwad Police Station to his town on 18-06-2021.

6. He is asking for protection from arrest mainly on the ground that Police cannot investigate an offence under the Seed (Control) Order 1983 and for the offences under the Environment Protection Act. He placed reliance

on some of the orders wherein protection from arrest is granted.

7. He wants to give an explanation for directly approaching this Court and according to him he is not keeping well. Pursis to that effect has been filed.

8. It is true that the jurisdiction of this Court is concurrent with jurisdiction of the Sessions Court. But as per the procedure, the applicant should first approach the Sessions Court. Because in that eventuality he will get one more opportunity to approach this Court if he is not successful before Sessions Court.

9. No exceptional case has been made out for entertaining this application by this Court even when not approached before the Sessions Court.

10. Hence, the applicant is given 15 days time to approach the concerned Sessions Court.

11. Till that time he is protected from arrest in connection with Crime No.0094/2021 registered at Kelwad Police Station. In that event, he be released on bail on furnishing his PR and Surety Bond of Rs. 25,000/-.

12. If the applicant fails to move within that period, protection granted herein will stand vacated.

13. The concerned Court may decide the matter independently without being influenced by the observations herein.

14. Application is disposed of.

JUDGE

Deshmukh