

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION N0.9960 OF 2021

ORDER:

This criminal petition is filed by the petitioner - A5 under Section 438 Cr.P.C. for grant of anticipatory bail to him in Crime No.59 of 2021 on the file of the Station House Officer, Chinthalapalem Police Station, Suryapet, registered for the offences under Sections 420, 471, 488, 120(B) read with 34 IPC and Section 7 of Essential Commodities Act, 1955, Sections 6(b), 7 and 7 (c) of Seeds Act, 1966, Clause 3(1), 8(a), 13(1) of Seeds (Control) Order, 1983, Rules 6, 8(iv) (b) and (v) of Seed Rules and Section 8/25 read with Section 22/33 of the Legal Metrology Act, 2009.

2. The case of the prosecution in brief was that the Mandal Agricultural Officer, Chinthapalem Mandal, lodged report before the police on 06.06.2021 at 7.00 PM that on information about selling spurious seeds in Dondapadu village, visited the said place and found A6 in possession of 40 packets of Chilli seeds but having bill on his name for only 14 packets and the remaining packets were in the names of others and A5 was also selling spurious seeds to the farmers and issuing bills in the name of Rythu Mithra Seeds, Vyra, Khammam District. Basing on the said report, the Sub-Inspector of Police of Chinthapalem, registered the above case for the above offences and during the course of investigation effected the arrest of A1 to A4 and A6 on 10.06.2021. Several allegations were made against the accused

persons that they had violated the norms of Seeds Act, which are as follows:

- i. They were in illegal possession and running the seeds business without having valid licence as per the norms of the Seeds Act,
- ii. doing business of fly-by-night operation,
- iii. issued expired license of Prudthvik Reddy Enterprises bills without informing its owner, duly signed by A-8 at the time of selling of chilli seed sachets,
- iv. though the accused persons A7 and A8 well known that the Star Bindu seed sachets were un-authorized seeds, selling the same at to the farmers by inducing them that the seeds would give more yield, and
- v. there was no entry in the record with regard to the 4 kgs., of Star Bindu Chilli seeds of lot No.231/27/2A which was supplied to A-2 and A3.

With regard to the role played by the petitioner – A5, it was only alleged that A5 was well known about the process of Dwaraka Seeds Pvt. Ltd., and acted as mediator in between the management of Dwaraka Seeds Pvt. Ltd., and the officials concerned for getting permission and other acts besides supporting the acts of other accused persons.

3. Heard the learned counsel for the petitioner-A5 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that on perusal of the complaint, the entire dispute was between Dwaraka Seeds Private Limited and the Agriculture Officer and the police basing on the hearsay evidence were trying to implicate the petitioner in the above case only to harass him. The petitioner was innocent. The allegations made against the petitioner did not constitute any offence. The petitioner was a permanent resident of Kukatpally, Hyderabad and was having no other criminal antecedents against him till date and prayed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor opposed the petition.

6. Perused the record. The record would disclose that the petitioner - A5 only acted as a mediator in between the management of Dwaraka Seeds Pvt. Ltd., and the concerned officials for getting permission for establishing the said company. The alleged violations of selling spurious seeds and the violations of the provisions of the Seeds Act, Seeds (Control) Order and the Legal Metrology Act, Essential Commodities Act and IPC offences are *prima facie* not against him. Considering that the other accused were already arrested and the investigation is almost completed, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioner-A5 is granted anticipatory bail, subject to the following terms and conditions:

- (i) The petitioner-A5 is directed to surrender before the Station House Officer, Chinthalapalem Police Station, Suryapet District, within a period of fifteen (15) days from today, and on such surrender the Station House officer, Chinthalapalem Police Station, Suryapet District shall release the petitioner on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of said Station House Officer.
- (ii) The petitioner-A5 shall not interfere with the investigation, intimidate or induce the material witnesses and shall co-operate with the investigating agency.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

December 27, 2021
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