

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

CRIMINAL APPLICATION (ABA) NO. 449 OF 2022

Kishor Tukaramji Wankhede **Versus** State of Maharashtra, thr. PSO., P.S. Walgaon,
 District Amravati.

Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders
 or directions and Registrar's order

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicant.

Shri V.A.Thakre, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 01/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.167 of 2022, registered with Police Station Walgaon, District: Amravati (City), for the offences punishable under Sections 420, 463, and 468 read with Section 34 of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act and Sections 7(a) and 8 of Seeds Act, and Sections 8 and 38 of Seeds Rules, 1968 and Sections 3 and 18 of Seeds (Control) Order, 1983.

2. This Court, in a similar matter namely in Criminal Application (ABA) No. 482/2022 filed by co-accused, while granting pre-arrest bail vide order dated 18/07/2022, has observed that the necessary documents showing release order for soar seeds, list of agriculturists, the information uploaded on the site of Maharashtra State Seeds Corporation Limited and the testing report of Seed Testing Laboratory, Nagpur, filed on record to show that no

illegality has been committed, as such, no offence attracts as alleged.

3. In this case, the applicant has filed similar documents on record along with Pursis dated 22/07/2022.

4. The case of the present applicant is on better footing than the case of co-accused Madhav Nimkar, as in this case, license is in the name of Agristar Bio-chemical which is filed along with Pursis, which further shows that the applicant is not connected with the said Agristar Bio-chemical.

5. Thus, considering the material available on record, namely the license and other documents, I am of the opinion that the applicant is entitled for pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) The order granting *ad interim* anticipatory bail dated 28/06/2022, is hereby confirmed.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]