

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

Criminal Application (ABA) No.482/2022

Madhav Nimkar V State of Maharashtra thr PSO PS Walgaon, Amravati

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

Court's or Judge's Orders

Shri S.Zia Qazi, Advocate for applicant.

Shri V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 18-07-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0167/2022 registered with Police Station Walgaon, District Amravati city for the offences punishable under Sections 3, 7 of the Essential Commodities Act, Sections 420, 463, 468 read with section 34 of the Indian Penal Code, Sections 7(a) and 8 of Seeds Act, Section 38 of the Seeds Rules and Sections 3 and 18 of the Seeds (Control) Order.

2. The learned Counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence as he has not in any way involved in the alleged processing, packing and selling of Soybean Seeds.

3. It is pointed out from the license and the report of the samples sent by the Investigation Officer to the Seed Testing Laboratory, Nagpur vide Lot No.NOV-21-13-2723-726 that, total germination is 73.00%, whereas the total purity is 99.40%.

4. He further points out that the released order of soar seeds, the list of agriculturist and other details which were uploaded on the site of the Maharashtra Seeds Corporation Limited by the applicant. Thus, he submits that there is nothing against the applicant to implicate him in the alleged offence. Accordingly, he prays for grant of bail.

5. On the other hand, learned APP strongly opposed the application and submits that there was an agreement between the main accused Uday Bonde and the present applicant in respect of process, sale and packing of Soyabean seeds which show the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the present application considering the seriousness of the offence.

6. I have perused the case diary, application, the documents filed along with the application and the reply filed by the learned APP.

7. The applicant has filed copy of license in the name of the applicant's company i.e. M/s Krushna Seeds valid for the

period 09-04-2021 to 08-04-2026. The documents filed along with the application further show that there are release order for soar seeds, list of agriculturist, the information uploaded on the site of Maharashtra State Seeds Corporation Limited and the testing report of Seed Testing Laboratory, Nagpur, of the seeds referred by the Investigating Officer for testing. All these documents show that the seeds which were processed, the germination is within the permissible limit and purity is also in the category of pure seeds. Thus, prima facie, it cannot be said that the applicant is involved in the alleged offence. Hence, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) In the event of arrest, the applicant in Crime No.0167/2022 registered with Police Station Walgaon, District Amravati city for the offences punishable under Sections 3, 7 of the Essential Commodities Act, Sections 420, 463, 468 read with section 34 of the Indian Penal Code, Sections 7(a) and 8 of Seeds Act, Section 38 of the Seeds Rules and Sections 3 and 18 of the Seeds (Control) Order, be released on bail on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station on 20-07-2022, 21-07-2022, 22-07-2022 between 10.00 am to 12.00 noon.

iv) The applicant shall not tamper with the prosecution evidence.

(Anil S. Kilor, J.)