

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

CRIMINAL APPLICATION (ABA) NO.444/2023
Gaju @ Raju Laxmanrao Thakare

..VS..

The State of Mah., thr.PSO Sevagram, Wardha, Tahsil and District Wardha

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

Court's or Judge's Order

.....
Shri S.W.Sambre, Counsel for the Applicant.
Shri I.J.Damle, Additional Public Prosecutor for the State.

CORAM : URMILA JOSHI-PHALKE, J.
CLOSED ON : 27/07/2023
PRONOUNCED ON : 31/07/2023

1. By this application, moved under Section 438 of the Code of Criminal Procedure, the applicant seeks anticipatory bail since he apprehends his arrest in connection with Crime No.346/2023 registered with Sevagram Police Station, district Wardha for offences punishable under Sections 420, 468, 469, 471, and 120-B of the Indian Penal Code read with Sections 7 and 8 of the Seeds Rules, 1968 read with Section 7(C), 6(C), 7(A) of the Seeds Act, 1966 read with Section 3 of the Seeds (Control), Order, 1983 read with Sections 15, 6, 8, and 9 of the Environment (Protection) Act, 1986 read with Sections 3, 2, and 1 of the Essential Commodities Act, 1955 read with Section 63 of the Copyright Act, 1957.

2. On 13.6.2023, Shri Subhash Shamraoji Mude lodged

report against the applicant with the non-applicant police station. The complainant is an Agricultural Officer. According to him, on 12.6.2023 he received an information that at Masala, district Wardha, some persons are involved in producing duplicate cotton seeds and are selling the same. Accordingly, the police carried out a raid and one Rahul Jaiswal, who was present at the spot, was accosted and he shown the cotton seeds which were duplicate. During interrogation with him, it revealed that he has purchased the said seeds from one Rajubhai and Mahendrabhai from Ahmedabad, Gujarat. During the investigation, it further revealed that the applicant has introduced him with said Rajubhai and Mahendrabhai. As the name of the applicant revealed, the applicant is apprehending his arrest at the hands of the police.

3. The application is strongly opposed by learned Additional Public Prosecutor for the State on the ground that the applicant is the main accused who introduced said Rahul Jaiswal with co-accused Rajubhai and Mahendrabhai from Gujarat. They all have sold the seeds to agriculturists and agriculturists are duped.

4. Heard learned counsel Shri S.W.Sambre for the applicant and learned Additional Public Prosecutor Shri I.J.Damle

for the State.

5. Having heard learned counsel Shri S.W.Sambre for the applicant and learned Additional Public Prosecutor Shri I.J.Damle for the State and perused the investigation papers, it appears that only on the basis of statement of co-accused, the present applicant is implicated in the alleged crime. From the investigation papers, it reveals that the applicant has purchased the said duplicate seeds. Recital of the First Information Report shows that the applicant is one of purchasers of the said duplicate seeds. As far as the allegations are concerned, that the applicant has introduced the co-accused with said Rajubhai and Mahendrabhai, except statement of the co-accused, no other material is on record against the applicant. Even, the statement of the co-accused only shows that the applicant informed him that said Rajubhai and Mahendrabhai are having the said seeds and they are dealing with the business of selling preventive seeds. The Investigating Officer also collected Call Data Reports. Perusal of the said reports, shows that there is only one call between the applicant and said Rajubhai. To substantiate the contentions of the prosecution, except statement of the co-accused, which is not admissible, no other material is on record to connect the applicant with the crime in question. As far as the custodial interrogation of the applicant

is concerned, the Investigating Officer has already seized prohibited seeds from the co-accused. As far as the interrogation of the applicant is concerned, the Investigating Officer can call the applicant in the police station as and when the presence of the applicant is required by the Investigating Officer. As such, physical custody of the applicant is not required.

6. In this view of the matter, I pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) In the event of arrest of applicant Gaju @ Raju Laxmanrao Thakare, in connection with Crime No.346/2023 registered with Sevagram Police Station, district Wardha for offences punishable under Sections 420, 468, 469, 471, and 120-B of the Indian Penal Code read with Sections 7 and 8 of the Seeds Rules, 1968 read with Section 7(C), 6(C), 7(A) of the Seeds Act, 1966 read with Section 3 of the Seeds (Control), Order, 1983 read with Sections 15, 6, 8, and 9 of the Environment (Protection) Act, 1986 read with Sections 3, 2, and 1 of the Essential Commodities Act, 1955 read with Section 63 of the Copyright Act, 1957, the applicant be released on bail on he executing a

P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(3) The applicant shall attend the police station once a week i.e. Monday between 10:00 am and 1:00 pm.

(4) The applicant shall also attend the police station as and when his presence is required by the Investigating Officer for interrogation into the crime.

(5) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

With this, the criminal application stands **disposed of.**

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!