



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

CRIMINAL APPLICATION (ABA) NO. 478/2023

Pravin Madhukar Dakhare V/s State of Maharashtra

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

Court's or Judge's Order

Mr. A.Sambre, counsel for applicant.

Mr. I.J.Damle, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/08/2023.

1. The present application is for grant of anticipatory bail, in connection with Crime No. 346/2023 registered with Sevagram Police Station, District Wardha for the offences punishable under Sections 420, 468, 469, 471, 120-B of the Indian Penal Code, 1860 read with Sections 7 and 8 of the Seeds Rules, 1968 read with Sections 7(c), 6(b), 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 13/06/2023, Shri Subhash Shamraoji Mude lodged the report against the present applicant at Sevagram Police Station. The informant is an Agricultural Officer. He alleged that on 12/06/2023,

he received information that at Masala, District Wardha, some persons are involved in producing duplicate cotton seeds and are selling the same. Accordingly, the police have carried out the 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 was revealed that he has purchased the said seeds from one Rajubhai and Mahendrabhai from Ahmedabad, Gujrat. During the investigation, it further revealed that the co-accused Gaju @ Raju Laxmanrao Thakre introduced him to the said Rajubhai and Mahendrabhai. As the name of the present applicant is revealed and the role attributed is that he has purchased the seeds packets from Raju Jaiswal and therefore, he is having apprehension of arrest at the hands of the Police.

3. The said application is strongly opposed by the learned APP for the non-applicant/State on the ground that custodial interrogation of the present applicant is required and it is to be interrogated from whom, he has purchased the said sealed packets.

4. Heard learned counsel Mr Abhay Sambre for the applicant and learned APP Mr I.J.Damle, for the State.

5. Mr Abhay Sambre learned counsel for the applicant submitted that the only role attributed to the present applicant was that he has purchased some duplicate seeds from the co-accused, except for the statement of the co-accused, no other material is on record. The investigation papers show that the investigating officer has already visited the shop of the present applicant and verified the fact therefore, custodial interrogation of the present applicant is not required. Hence, he be protected by granting ad-interim anticipatory bail.

6. The application is strongly opposed by the learned APP for the State on the ground that offence alleged against the present applicant is of serious nature and custodial interrogation of the present applicant is required and prays for rejection of the application.

7. Having heard learned counsel Mr S.W.Sambre for the applicant and learned APP Mr. I. J.Damle, for the State and perused the investigation papers, it reveals that the only allegation against the present applicant is that, he has purchased the said seeds from the co-accused. The Investigating Officer has already visited the shop of the present applicant, and verified the facts and verified the stock register.

Thus, custodial interrogation of the present applicant is not required.

8. Considering the role of the present applicant and the investigation as to the stock which is purchased by the present applicant is already verified. The other co-accused, to whom a more grievous role is attributed, is already released on bail by this Court. In view of the above, the present application deserves to be allowed by imposing certain conditions. Accordingly, I pass the following order:

- a. The criminal application is allowed.
- b. In the event of the arrest of applicant – Pravin s/o Madhukar Dakhare, in connection with crime No. 346/2023 registered with Sevagram Police Station, District Wardha for the offences punishable under Sections 420, 468, 469, 471, 120-B of the Indian Penal Code, 1860 read with Sections 7 and 8 of the Seeds Rules, 1968 read with Sections 7(c), 6(b), 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.

- c. The applicant shall attend the concerned Police Station once in a week i.e. Monday between 10.00 a.m. and 1.00 p.m.
- d. The applicant shall also attend the concerned Police Station as and when his presence is required by the Investigating Officer for interrogation into the crime.
- e. 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.

Criminal application stands **disposed of**.

JUDGE