



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

972 ANTICIPATORY BAIL APPLICATION NO. 1072 OF 2024

Sanjay Kanhaiyalal Kothari

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Ram S. Shinde

APP for Respondents: Mrs. P.V. Diggikar

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CORAM : SHIVKUMAR DIGE, J.
DATED : 1st AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No. 88 of 2024 registered with Chopda (Rural) Police Station, district Jalgaon, for the offences punishable under Sections 420 r.w. 34 of I.P.C., under Sections 10, 11, 12, 13(1)(2)(3), 14, 1(a)(b)(c), 2 and 15 of Seeds Rule 1968, under Section 3(1), 4 and 9 of the Seeds Control Order 1983, under Section 7(a)(b)(c)(d) of Seeds Act 1966, Sections 7 and 8 of Environment Protection Act, 1986 and under Sections 3 and 7 of Essential Commodities Act.

2. It is the prosecution's case that the police had received a secret information that the applicant was selling bogus seeds of Nirmal Seeds Pvt. Limited, Pachora. Hence, a dummy customer was arranged. He made phone call to the applicant asking for seeds of

Nirmal Seeds Pvt. Ltd. It is alleged that the applicant called the said dummy customer for taking delivery of the seeds. The said dummy customer had been to the place as directed by the applicant. There, the applicant had sent his servant with seeds of Nirmal Seeds Pvt. Ltd. The panchas and representative of Nirmal Seeds were part of the police team. When the police seized the seeds from the possession of the servant of the applicant it was verified by the authorized representative of Nirmal Seeds. He had stated that the said seeds do not belong to their company and their company had stopped the production of the said seeds prior to two years. Thereafter, on the complaint of the Seed Inspector, the offence is registered against the applicant.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. Whether the seeds given by the applicant were bogus or not, was not verified by any lab. The learned counsel further submitted that the authorized representative of the said Nirmal Seeds Company stated that their company had stopped the production of the said seeds prior to two years so it cannot be said that those seeds were bogus unless it is tested in any lab. Learned counsel further submitted that under the Seeds Act, the offence under section 420 of I.P.C. cannot be registered. Considering the allegations against the applicant, his

custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the applicant had sold the bogus seeds to the customers when the production of the said seeds were stopped by the said company. The authorized representative of Nirmal Seeds company has stated that the seeds sold by the applicant are bogus. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. It is alleged that the seeds sold by the applicant are bogus. On making query by this court, the learned A.P.P. submitted that the report from the laboratory in respect of the said seeds is not yet received and it is awaited. The authorized representative of Nirmal Seeds, who was part of the police team, has stated that the production of the said seeds were stopped prior to two years but it need evidence to substantiate the allegations under section 420 of I.P.C. Considering this fact, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicant in connection with crime No. 88 of 2024 registered with Chopda (Rural) Police Station, district Jalgaon, for the offences punishable under Sections 420 r.w. 34 of I.P.C., under Sections 10, 11, 12, 13(1)(2)(3), 14, 1(a)(b)(c), 2 and 15 of Seeds Rule 1968, under Section 3(1), 4 and 9 of the Seeds Control Order 1983, under Section 7(a)(b)(c)(d) of Seeds Act 1966, Sections 7 and 8 of Environment Protection Act, 1986 and under Sections 3 and 7 of Essential Commodities Act, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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