

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 2131 OF 2024

1. Sachin s/o Machindra Gore		
2. Sachin s/o Dharmendra Patil	...	Applicants
Versus		
The State of Maharashtra	...	Respondent

Mr. Ganesh Shinde a/w Mr. Ratan L. Adhe for the Applicants.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Vikrant Phatate a/w Mr. Mahesh Arjun for Farmers-Proposed
Intervenors.

CORAM: MANISH PITALE, J.
DATE : 20th AUGUST 2024

P.C. :

1. Heard learned counsel for the applicants, learned APP for the respondent-State and learned counsel for the proposed intervenors.

2. The applicants are apprehending arrest in connection with FIR No. 0510 of 2024 dated 20th June 2024 registered at Pandharpur Taluka Police Station, Dist. Solapur, for offences under Sections 420 and 427 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 3, 13 and 29 of the Insecticides Act, 1968.

3. It is relevant to note that a named co-accused person has been already granted anticipatory bail by this Court by an order

dated 2nd August 2024 passed in Anticipatory Bail Application No. 2065 of 2024 (*Audumbar Dnyaneshwar Disale v/s. State of Maharashtra*).

4. The FIR has been registered in the present case at the behest of Quality Control Inspector-cum-Taluka Agriculture Officer, Pandharpur. It is alleged that insecticide sold by co-accused person, who procured the same from the applicants herein, caused loss to farmers, as their crop of grapes was destroyed. It is alleged that the farmers purchased insecticide worth Rs.8,760/- and eventually, suffered loss to the tune of about Rs.81,00,000/-.

5. The learned counsel for the applicants submits that the case of the applicants in this application is on a better footing because this Court by the aforementioned order, passed in Anticipatory Bail Application No. 2065 of 2024, granted anticipatory bail to the co-accused-retailer from whom the farmers had actually purchased the insecticide. It is submitted that the applicants herein are merely employees of the company having license from the original manufacturer to sell the insecticide in question.

6. The learned counsel for the applicants submits that the informant himself, earlier in point of time i.e. on 31st January 2024, filed a private complaint before the Judicial Magistrate First Class at Pandharpur, Dist. Solapur, against the applicants and co-accused person on the very same allegations. This pertained to offences under the provisions of the Insecticides Act, 1968.

Having lodged the aforesaid complaint, which will be contested by the applicants in accordance with law, causing the registration of the aforementioned FIR after six months i.e. 20th June 2024, demonstrates that the FIR is belated and the offences under the provisions of the IPC have been unnecessarily invoked against the applicants. It is submitted that there is no question of the applicants having any intention at the inception for duping or cheating the agriculturists, who are alleged to have suffered losses. Attention of this Court is invited to laboratory reports from Competent Government Laboratories about the samples of the insecticide taken from the same batch of products and also from the other batches, which indicate that the samples conformed to the requirement of the law. It is submitted that therefore, this Court may consider allowing the present application.

7. On the other hand, the learned APP submitted that the farmers in the present case have suffered huge loss and their entire crop of grapes was destroyed upon the said insecticide being used. The applicants can be said to be involved in the present offences, for the reason that the co-accused had procured the insecticide in the question from the applicants. It is submitted that since ingredients of the offences are *prima facie* made out, this Court may not allow the present application.

8. The learned counsel having instructions to appear on behalf of the farmers, who are alleged to have suffered losses, supported the contentions raised by the learned APP.

9. A perusal of the material on record shows that six months prior to the subject FIR being registered, the very same informant had lodged private complaint, as contemplated under the provisions of the Insecticide Act for alleged offences under the provisions of the said Act. It is six months after the lodging of the said complaint that the subject FIR has been registered. Hence, *prima facie* there appears to be delay in registration of the FIR. Apart from this, it is found that only the offence under Section 420 of the IPC, carrying maximum sentence of imprisonment of upto seven years, is a cause for the applicants to rush this Court for seeking anticipatory bail.

10. The basic ingredient of the said offence is that from the very inception of the transaction, the accused-person must have the intention to lure or dupe the party that suffers the consequences, in this case the farmers. The applicants in the present case are mere employees of the company holding a license for the original manufacturer to sell the insecticides in question. This Court has already granted relief to the co-accused-retailer from whom the farmers had purchased the insecticide. There is nothing to indicate that the applicants tampered with the batch of products that were eventually sold to the farmers, which may have led to destruction of the crop. The laboratory reports placed on record in the present application pertaining to the very batch of products, as also a different batch of the same product, show that Competent Government Laboratories have given positive test report to the

effect that the insecticide samples conform to the specifications as per law.

11. In such a situation, this Court is of the opinion that relief can be granted to the applicants, particularly when they have undertaken to cooperate with the investigation.

12. In view of the above, the application is allowed in the following terms :

- (a) In the event the applicants are arrested in connection with FIR No. 0510 of 2024 dated 20th June 2024 registered at Pandharpur Taluka Police Station, Dist. Solapur, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each and one or two sureties in the like amount to the satisfaction of the trial Court.
- (b) The applicants shall cooperate with the investigation and they shall remain present before the investigating officer, as and when called by the investigating office.
- (c) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

13. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for

cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application.

14. The application is disposed of.

MANISH PITALE, J.