



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

CRIMINAL APPLICATION (BA) NO.55 OF 2024

Santosh Baburao Ranmode

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Chikhli, District Buldhana

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

Court's or Judge's orders

Mr. S. D. Tatake, Advocate for applicant.
Ms. H. N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/03/2024

1. The applicant came to be arrested on 14.07.2022 in connection with Crime No. 538/2022 registered with Police Station Chikhli, District Buldhana, for the offence punishable under Sections 406, 409, 420, 120-B read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by one Sunil Laxmanrao Modekar, on an allegation that he has ancestral agricultural land admeasuring 51 Acres at village Dhotra, Bhangoji, Shindi, Harali and adjoining villages. He and his family members are cultivating the said land. He is also running his new Renuka Hybrid Seeds Processing Plant at MIDC, Chikhli and also having a weighbridge. Since he is running his business at MIDC Chikhli, he knows the applicant Santosh Baburao Ranmode

owner of M/s Pavitra Trading Company, who is running business of purchasing agricultural yields from agriculturists and selling it higher rates, for storing agriculture yields, the applicant had hired two godowns at MIDC Chikhli. On 30.04.2022, he had sold 349.50 quintal Soybean to the present applicant and present applicant promised him that he will pay the sale proceeds in his bank account through RTGS. Accordingly, the receipt was handed over of sold Soybean to the applicant however, said amount was not credited to his account. Therefore, he met the applicant, but applicant assured to deposit the amount, but avoided do the same.

3. During the investigation, it revealed that likewise the informant, the several persons came forward and made a similar complaint though the yield was purchased from them, the consideration amount of the yield was not sold to them, not paid to them or not credited to their account. On the basis of the said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that now, the investigation is completed and charge-sheet is filed. As far as the allegations are concerned, with the false allegation the applicant is implicated. In fact, investigating agency could not collect any material to show the any concerned of the present applicant with the alleged offence. He further

submitted that the amount of Rs.70,26,620/- is seized from the shop of the present applicant. In addition to that four wheeler vehicle is also seized from the applicant. Thus, maximum amount is already recovered. In view of that, the applicant be released on bail.

5. Learned APP strongly opposed the application on the ground that with an intention to give the various agriculturists the yield was purchased and the consideration amount was not paid. In all 161 agriculturists came forward who have sold the agricultural yields to the present applicant and their consideration amount is not paid. She further submitted that now trial is already commenced and it would conclude in the near future. Considering the gravity of the offence that the hard earned money of the agriculturist is not paid by the present applicant. Though investigation is completed and charge-sheet is filed, considering the hard earned money of the agriculturists is not paid by the present applicant and the trial is already commenced, the application deserves to be rejected.

6. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. The recitals of the FIR shows that from the informant the applicant has purchased Soybean of 349.50 quintal and the consideration amount though he assured that he would deposit the

same worth of Rs.22,52,600/- to his account, but he has not credited the said amount. During the investigation, various agriculturalists came forward which are 161 in numbers. Total amount comes to Rs.3,41,42,504/-. The statements of various agriculturists are also recorded which substantiate the allegations along with the documentary evidence to show that the yield was purchased from them. Recitals of the investigation papers and various statement of the witnesses as well as receipts issued to the various agriculturists shows that the applicant has purchased the yield from the various agriculturists who are in 161 numbers and committed misappropriation of Rs.3,41,42,505/-. Admittedly, the amount involved is hard earned money of the agriculturists, who cultivated the soybean in their agriculture filed as well as other crops and sold it to the present applicant, but they have not received the single penny towards the consideration of their yields. The huge amount is also involved in the present transactions. Now, the trial is already commenced, considering the *prima facie* material the application deserves to be rejected. Accordingly, the application is rejected.

(URMILA JOSHI-PHALKE, J.)