



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

CRIMINAL APPLICATION (ABA) NO. 623 OF 2023

Pramod Damodharrao Topale 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. S.V.Sirpurkar, counsel for the applicant.

Mrs. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/02/2024.

1. Apprehending arrest at the hands of Police in connection with Crime No. 430/2023 registered with Police Station Daryapur, District Amravati for the offence punishable under Sections 420 of the Indian Penal Code, 1860 read with Section 13(3) of the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price), Act, 2019 and Rule 5(7) of the Cotton Seeds Price (Control) Order, 2015. The applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the applicant is apprehending arrest at the hands of the Police as the report is lodged by one Suresh Rambhau Ramagade, alleging that he received the complaint from the agriculturist-Haridas Sahadeorao Khade that New Agricultural Development Agency is selling cotton seeds namely Ajit-155 in rate above MRP. Thereafter, the applicant approached to the Sessions Court, Achalpur by filing Miscellaneous Criminal

Application, and the Sessions Court rejected the anticipatory application. It is further contention of the applicant that, panchanama was prepared in front of other agriculturist, and it revealed that New Agricultural Development Agency was selling the seeds unauthorizedly, on the basis of said complaint, the offence was registered.

3. Mr. S.V.Sirpurkar, learned counsel for the applicant submitted that as far as the offence is registered under Section 420 of the Indian Penal Code for which the punishment is less than seven years is provided. Moreover, custodial interrogation of the present applicant is not required. The notice under Section 41-A was already issued to the present applicant, and he cooperated with the Investigating Agency by attending the police station. The applicant is thoroughly interrogated by the investigating agency. Now, his custodial interrogation is not required, as nothing is to be seized from him.

4. Learned APP strongly opposed the application on the ground that the offence alleged against the present applicant is under section 420 of the Indian Penal Code. The allegation is that he has sold the seeds unauthorizedly and therefore, custodial interrogation is required.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. It reveals from the investigation papers that the applicant has already attended the Police Station, as per the direction of this Court. He was interrogated by the investigating agency. As far

as the stock is concerned, it is also seized by the Police Authority. The custodial interrogation of the present applicant is not required. He has already cooperated with the investigating agency. The offence alleged is punishable with less than seven years of imprisonment. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) In the event of his arrest, in connection with Crime No. 430/2023 registered with Police Station, Daryapur, District Amravati for the offence punishable under Sections 420 of the Indian Penal Code, 1860 read with Section 13(3) of the Maharashtra Cotton Seeds (Regulation of Supply, Distribution, Sale and Fixation of Sale Price), Act, 2019 and Rule 5(7) of the Cotton Seeds Price (Control) Order, 2015, the applicant – **Pramod Damodharrao Topale**, shall be released on anticipatory bail on furnishing PR. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when required for further investigation purpose.

- d) The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]