



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

CRIMINAL APPLICATION (APPLN) NO.80 OF 2023

State of Maharashtra, Through Police Station Officer, Police Station,
Sewagram, Wardha

Vs.

Rajendrakumar Kantilal Patle

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

Court's or Judge's orders

Mr. H. D. Dubey, APP for applicant /State.
Mr. A. S. Deshpande, Counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/10/2024

1. By this application, the State is seeking cancellation of anticipatory bail of the present non-applicant under Section 439(2) of the Code of Criminal Procedure.

2. The non-applicant was arraigned as an accused in connection with Crime No.346/2024 registered with Police Station, Sewagram, Wardha for the offence punishable under Sections 420, 468, 469, 471 and 120-B of the Indian Penal Code and under Sections 7 and 8 of the Seeds Rules, 1968 read with Sections 6(C), 7(C), 7(A) of the Seeds Act, 1966 read with Section 3 of the Seeds (Control) Order, 1983 read with Sections 6, 8, 9 and 15 of the Environment (Protection) Act, 1986 read with Sections 1, 2, 3 of

the Essential Commodities Act, 1955 and Section 63 of the Copy Rights Act, 1957.

3. The crime is registered on the basis of the report lodged by the informant alleging that the present applicant is a businessman and dealing in the business of agricultural produces, seeds and other materials and having license to conduct his business. It was alleged that the informant who is a Police Officer lodged a report alleging that when he effected the raid and the material was seized from the accused/non-applicant, it was found that the accused was involved in a conspiracy for benefiting themselves by preparing bogus seeds packet. The accused/non-applicant was found filling bogus seed packets with intention to cheat the farmers by selling it to them. On the basis of the said report, police have registered the crime against the present non-applicant.

4. After registration of the crime, non-applicant approached the Court of Sessions for grant of anticipatory bail. Learned Sessions Court had considered the investigation papers and observed that at the time of effecting the raid, Agricultural Officer Subhash Muley has prepared the panchnama and seized packets of seeds from the spot. It is further observed that in view of the decision of this Court in **Korra Srinivas Rao Krihnamuthy Vs. State of Maharashtra [2002**

(4) Mh.L.J. 368], only the Seeds Inspector can launch proceedings in respect of complaints of farmers regarding failure of crops due to defective quality of seeds after detail investigation by himself and police authorities cannot investigate such cases. Thus, considering the ratio laid down by this Court and considering the allegations against the non-applicant, the learned Sessions Court has granted bail in the event of arrest to the present non-applicant.

5. Being aggrieved and dissatisfied with the same, the present application is filed by the State for cancellation of bail on the ground that despite sufficient material against the present non-applicant and his custodial interrogation was required, the Sessions Court has released him on bail by ignoring the relevant material. It is further contended that as the present applicant has not cooperated with the investigating agency and therefore, his custodial interrogation is required. In view of that, the bail granted to the non-applicant deserves to be cancelled.

6. Heard learned APP for the State as well as the learned Counsel for the non-applicant, perused the impugned order passed by the Sessions Court wherein the Sessions Court has considered the evidence by observing that on going through the FIR it is noticed that on 13.06.2023 complainant Subhash

Muley lodged a report in Sewagram Police Station against 15 accused persons. The name of the present non-applicant/accused is not mentioned in the FIR. On perusal of the FIR it is seen that accused was found preparing packets of bogus seeds, cotton seeds, printing, packing and sealing machine, electronic weighing machine and other articles. The Sessions Court has further considered the decision of this Court wherein it is held that only the Seed Inspector can launch proceedings in respect of complaints and the police authorities cannot investigate such cases. Thus, the reasoned order is passed by the Sessions Court. As far as the allegation made in the application is concerned, that the Sessions Court has ignored the relevant material is not substantiated by any material. As far as the another contention is concerned, the non-applicant has not cooperated with the investigating agency. Except bare statement nothing is on record to show that either he was summoned with the notice to appear for the investigation and he has not appeared for the investigation. No general diary entry is filed on record to substantiate the said contention. Moreover, the non-applicant is released on bail on 01.09.2023 i.e. one year back. As far as the investigation is concerned, already bogus seed packets are recovered and the custodial interrogation of the present non-applicant is not required for the recovery purpose. As far as the interrogation part is concerned, which can be taken care of and the

Sessions Court has already imposed the condition that the non-applicant shall attend the concerned Police Station. The allegation of the State that he has not cooperated with the investigating agency as observed earlier is not substantiated by any material. As far as the law regarding the cancellation of bail is concerned, overwhelming and supervening circumstances are required for the cancellation of bail. The general allegations are not sufficient to cancel the bail of the accused. Considerations for the cancellation of bail are different, the bail can be cancelled in the circumstances like if the Court has not considered the relevant material and by ignoring the relevant material, the bail was granted. Though, if the accused has misused the liberty granted to him, if there are criminal antecedents against the accused and if the accused is involved in tampering of the witnesses. None of the conditions is present in the present application. Thus, the application appears to be devoid of merits and liable to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)