



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 ANTICIPATORY BAIL APPLN. NO.1889 OF 2024

**KIRAN DATTU KHAMKAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for the applicant : Mr.V.B.Patil
APP for Respondent-State : Mr.Ruchir S. Wani

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 27.01.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No. 341/2024, registered at MIDC Police Station, Jalgaon, Taluka and District Jalgaon, for the offences punishable under sections 7 (d) of Seeds Act, Sections 3, 8, 18 of the Seeds [Control] Order, 1983, Section 420 of IPC and Section 3 (2) (a) (b) of the Essential Commodities Act, 1955.

3] It is the allegation in the FIR that M/s. Bhushan Krushi Kendra, Mhasavad had been selling Bity Cotton Seeds at excessive price, as such, violated the aforesaid provisions of Seeds Act.

4] The learned counsel for the applicant submits that this Court, by order dated 29.10.2024, has granted interim protection in favour of the applicant. In terms of the said order, the applicant has attended the concerned police station and has co-operated with the investigation. The learned counsel further submits that the Additional Sessions Judge, Jalgaon, by order dated 10.06.2024 in Cri.B.A.No. 699/2024, has granted anticipatory bail in favour of the accused, namely, Sushil Vithal Mahajan. It is submitted that initially the FIR is registered against the owner of M/s. Bhushan Krushi Kendra, Mhasawad and the name of the applicant was not mentioned in the FIR. As such, the interim protection granted by this Court by order dated 29.10.2024 be confirmed.

5] *Per contra*, the learned APP submits that the Additional Sessions Judge, Jalgaon has granted anticipatory bail in favour of accused namely Sushil Vithal Mahajan on the ground that he was not present in the premises at the relevant time.

6] Considering the submissions, the license to sell the seeds is with the owner of M/s. Bhushan Krushi Kendra and Sushil Vithal Mahajan is the proprietor of the said Kendra. The learned APP has not disputed the said fact.

7] Considering that the Additional Sessions Judge has granted anticipatory bail in favour of the owner of M/s. Bhushan Krushi Kendre namely Sushil Mahajan and primary responsibility of owner of the said Kendra to sell the seeds to the farmers and the applicant is the employee of the said Kendra, in view of the same, the interim protection granted by this Court by order dated 29.10.2024 stands confirmed, on the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC