



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

CRIMINAL APPLICATION (ABA) NO.169 OF 2025

Vikas Raghunath Nalawade

Vs.

State of Maharashtra, through Police Station Officer, Kotwali, Amravati
District Amravati

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

Court's or Judge's orders

Mr. S. K. Jaiswal, Counsel for the applicant.
Ms. H. N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/04/2025

1. Apprehending the arrest at the hands of Police in connection with Crime No.287/2024, registered with Police Station Kotwali, Amravati, District Amravati, for the offence punishable under Sections 9, 7, 3(2)(a), 3(2)(d) of the Essential Commodities Act, 1955 and Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Sagar Jangluji Dongre, District Quality Control Officer on an allegation that on conducting a raid at Nilesh Krushi Seva Kendra sub-standard fertilizers are seized and on enquiry it revealed to him that he has obtained the same from M/s. Rama Fertichem Ltd., Wadki, Pune. The samples of the same are sent to the laboratory at Amravati, and from the said report it revealed that the

fertilizers are of a sub-standard quality. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant, who submitted that the present applicant is the Director of the said M/s. Rama Fertichem Ltd. In view of Section 32(a) of the Fertiliser (Control) Order 1985, the applicant is deprived from the said right wherein the right is with the present applicant to prefer an appeal against the order of the authority. However, without giving such an opportunity, the FIR is lodged against the present applicant. The applicant has attended the Police Station after he is protected by this Court, and therefore, his custodial interrogation is not required.

4. Learned APP strongly opposed the said application on the ground that the present applicant is the responsible person and looking after the day- to-day affairs of the said firm and sub-standard fertilizers are found during the raid. Therefore, his custodial interrogation is required. She fairly submitted that the applicant has attended the Police Station.

5. After hearing both sides and on perusal of the F.I.R. and the documents filed alongwith the application from which it reveals that samples were sent to the laboratory and it was found that the articles which are seized are of a sub-standard

quality; however, against the order of the authority the applicant and the company has further right to prefer an appeal under Section 32(a) of the Fertilizer (Control) Order 1985. Said opportunity is not granted to the present applicant and without granting an opportunity, the prosecution is lodged against him. Thus, considering now the applicant is attending the Police Station, his custodial interrogation is not required. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant by order dated 12.03.2025 is hereby confirmed subject to the condition that he shall attend the concerned Police Station once in a week i.e. on every Wednesday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- (iii) The applicant shall furnish his cell-phone number alongwith detail address and two names of his relatives and their address proof, before the investigating agency.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)