



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.232 OF 2025

(Dr. Praful Wasudeo Patil Vs. The 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

Ms P. Arbat, Advocate h/f Mr. A.R. Prasad, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 9, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.429/2024 registered with police station Malkapur, District Buldhana for the offence punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the informant. The informant is an agriculturist having harvested cotton crops to the extent of 28 quintals and 35 kg in the year 2023-24. As the prices of cotton in market was repeatedly reducing, he had stored the said cotton. On 27/03/2024 one Pravin Raut and the present applicant approached to him and represented him that they would give higher rate of Rs.10,000/- per quintal instead of prevailing rate of Rs.7,000/- per quintal on a condition that the amount would be paid after 3 months. On the basis of this

assurance, the informant sold his cotton to the extent of 28.35 quintals to the present applicant. The applicant has issued the post dated cheque of Rs.2,83,500/-. An agreement was executed by the present applicant with the informant in relation to this transaction as a proprietor of Arambh Trading Company. After completion of 3 months, the informant deposited the cheque but the same was returned by the bank with an endorsement insufficient fund. Then again the informant contacted the present applicant and he came to know that several agriculturists are duped by the present applicant in similar way. Thus, the total amount payable by the present applicant to the informant and other agriculturist is around Rs.1,24,86,613/-. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as present applicant who has purchased the said cotton and also shown his willingness to pay the amount, and therefore, issued the cheque. As far as criminal intention is concerned which is absent in the present case, and therefore, offence under Section 406 and 420 of the IPC is not made out. The custodial interrogation of the applicant is not required. In view of that, he be protected by granting anticipatory bail.

4. *Per contra*, learned APP strongly opposed the application and submitted that the application filed by present applicant with the APMC for seeking licence or the

permit to purchase the foodgrains and cotton shows the name of the present applicant in the said application. There is Partnership Deed collected during the investigation, which shows that the present applicant and the other co-accused who are the partners. He further invited my attention towards one document which is issued by the Government of Maharashtra under the Bombay Shops and Establishments Act, 1948 showing the registration certificate which also shows that he is dealing with the trading of the cotton, etc. The statements of some of the witnesses she has pointed out and submitted that from the said statements it reveal that not only the present applicant but the co-accused were involved in obtaining the cotton from the various agriculturist and the agriculturist were duped. She also invited my attention towards the fact that all the agriculturists are from the Buldhana district. All the yield obtained by the present applicant from the agriculturist and as they have not received the amount. Some of the agriculturist constrained to commit the suicide due to the said transactions as they could not pay the amount against the debts which they have obtained. She further submitted that some of the agriculturists have committed suicide due to the losses they have suffered and indirectly the present applicant is responsible for the same. She also submitted that many of the agriculturist are suffering as they have obtained the debts privately or from the financial institutions and that may lead to them also to decide about their lives. She

submitted that considering the fact that the present applicant was having intention since inception to cheat the agriculturist, and therefore, the cheques were issued knowingly when he was not having sufficient amount in his accounts. In view of that, his custodial interrogation is required.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that not only the Partnership Deed but the application which is submitted with the APMC also shows that the applicant along with the other co-accused approached to the APMC for issuing permit to them to obtain cotton from the agriculturist to sell it. The statements of the various witnesses also discloses that it was the present applicant and other co-accused who induced them for giving their crop by promising them the higher price. The Partnership Deed also shows the association between the present applicant with the other co-accused. Considering the submission made by the learned APP that various agriculturists are duped and some of them have already committed suicide as they could not repay the debt which they have obtained and some are still in debt and they could not survive as they have not received the price towards their yield. Thus, considering all these facts and considering the involvement of the present applicant in the alleged offence, admittedly, his custodial interrogation is required to ascertain the facts.

6. The consideration for grant of anticipatory bail and considerations for grant of bail under Section 483 are different. While considering the grant of anticipatory bail the Court has to consider the gravity of the offence and the availability of the applicant for the investigation purpose as well as at the time of trial. One of the consideration is whether the applicant would be available or fled away from the investigation is the basic criteria which requires to be considered. The applicant has not cooperated with the investigating agency though notice under Section 35(2) is issued to him.

7. All these facts sufficiently shows that there is a *prima facie* material against the present applicant. Moreover, he has not cooperated with the investigating agency, and therefore, the application deserves to be rejected.

8. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)