



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

CRIMINAL APPLICATION (ABA) NO.421/2025

Uday Uttamrao Ubale

Vs.

The State of Maharashtra through P.S.O., Ural, Tq. Balapur, Dist. Akola

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

Court's or Judge's orders

Shri K.S. Malokar, Advocate for applicant
Shri A.A. Madiwale, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03.07.2025

Apprehending the arrest at the hands of police in connection with Crime No.96/2025 registered with Police Station Ural, Tah. Balapur, District Akola, for the offense punishable under Sections 318(4), 3(5) of the Bhartiya Nyay Sanhita (BNS) Act, 2023.

2. The crime is registered on the basis of allegations made against the applicant and the other co-accused that he is the driver and working with one of the directors of 'Andura Agro Farmer Producer Company Limited' along with the other directors. As per the scheme floated by the 'Maharashtra Rajya Sahakari Panan Mahasangh Maryadit' the directors and the president of the said Andura Agru Farmer Producer Company purchased the produce of the agriculturist and deposited the same to the warehouse for further processing, but the said produce is not actually deposited in the warehouse.

3. Learned Counsel for the applicant submitted that as the applicant being the driver, at the most, he has transported the said agricultural produce as per directions of the directors. The other co-accused who is the director, is already released on bail. Thus, as far as the involvement of the present applicant in misappropriation is concerned, no case is made out against the present applicant. In view of that the interim protection granted to the present applicant deserves to be confirmed.

4. Per contra, learned APP strongly opposed the said applicant and submitted that during investigation the involvement of the present applicant is revealed. He invited my attention towards the statement of the Computer Operator and submitted that the submission is levelled against the present applicant that he has played a vital role in misappropriation of the said produce and, therefore, his custodial interrogation is required.

5. On hearing both sides and on perusal of the recitals of the FIR, it reveals that as per the scheme floated by the Maharashtra Rajya Sahakari Panan Mahasangh, the firm of the other co-accused has purchased the Soyabean and the same was stored in godown. It was to be deposited in the warehouse, which was not deposited. The co-accused has filed the report against the Supervisor, Uday Uttamrao Ubale and Computer Operator- Akash Haridas Amzare, who had taken the false entries and thereby caused the loss

to the firm much prior to the lodging of this FIR. The director of the said firm has been released on bail. The said director also made a complaint to the District Marketing Officer stating the role of the Computer Operator and Supervisor. Thus, the other co-accused has already taken an action against the Computer Operator and Supervisor who has taken the false entries and, therefore, these false statements are made against the present applicant. In view of that the present applicant be released on bail. It further appears that he has attend the police station as direction of this Court.

6. In light of the above facts and circumstances, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant- **Uday Uttam Ubale**, in connection with Crime No.96/2025 registered with Police Station Ural, Tah. Balapur, District Akola, for the offence punishable under Sections 318(4), 3(5) of the Bhartiya Nyay Sanhita (BNS) Act, 2023, is confirmed on the condition that the applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, and shall co-operate with the investigating agency.

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

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

R.S. Sahare