



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

CRIMINAL APPLICATION (ABA) NO.840 OF 2024

(Suresh s/o Devidas Satav Vs. State of Maharashtra)

WITH

CRIMINAL APPLICATION (ABA) NO.841 OF 2024

(Piyush Nandlal Agrawal Vs. 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

Mr. R.M. Tahaliyani, Advocate for the applicants.
Mr. V.A. Thakare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 30, 2025

Both the applications are filed by the applicants for grant of pre-arrest bail 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.

2. The accusation against the present applicants is on the basis of report lodged by the informant. The informant who is an agriculturist was having harvested cotton crop to the extent of 28 quintals and 35 kg in the year 2023-24. As the prize of cotton in market was low he had stored the said cotton. On 27/03/2024 one Pravin Raut and Dr. Praful Patil 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 co-accused Dr. Praful Patil. Dr. Praful Patil issued post dated cheque of Rs.2,83,500/-. An agreement was executed by Dr. Praful Patil 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 due to insufficient fund. Then again the informant contacted said Dr. Praful Patil and he came to know that several agriculturists are duped by the co-accused Dr. Patil in similar way. Thus, the total amount payable by co-accused Dr. Patil 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 applicants.

3. Learned Counsel for the applicant submitted that as far the applicant – Suresh Devidas Satav is concerned he is one of the victim and he is not at all concerned with the transactions between the co-accused and the agriculturist. He submitted that there is no allegation that either he has induced or obtained some money from the agriculturist. Thus, there is absolutely no material against him to connect him with the alleged offence. He also invited my attention towards the WhatsApp chat and submitted that said WhatsApp chat is also not sufficient to show the involvement of the applicant

– Suresh Satav in the alleged incident. He submitted that as far as the other applicant – Piyush Nandlal Agrawal is concerned against whom also there is no allegation that either he has duped or induced the other agriculturist to hand over their cotton. He submitted that the declaration deed is also executed by Dr. Praful Patil and not by the present applicants. The said declaration deed shows that he is the owner of the business named and styled as Aarmabh Trading Company which sufficiently shows that both the applicants are not connected with the alleged offence. Moreover, the custodial interrogation of the present applicants is not required. In view of that, they be protected by granting anticipatory bail.

4. *Per contra*, learned APP strongly opposed the application and submitted that the application filed by Dr. Praful Patil with the APMC for seeking licence or the permit to purchase the foodgrains and cotton shows the name of the present applicants in the said applications. There is Partnership Deed collected during the investigation, which shows that both the applicants are the partners along with the co-accused. 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 and etc. The statements of some of the witnesses he has pointed out and submitted that the said statement reveals that not only the co-accused, but

present applicants were also involved in obtaining the cotton from the various agriculturist and the agriculturist were duped. He submitted that considering the involvement of the present applicants from the primary investigation reveals, and therefore, their 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 applicants 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 applicants 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 applicants and the other co-accused. Considering that various agriculturists are duped on the pretext that they would get the higher price and thereafter the amount was not paid to them. *Prima facie* case is made out against the present applicants, and therefore, their custodial interrogation is required. Hence, both the applications deserve to be rejected.

6. Accordingly, the applications are rejected.

(URMILA JOSHI-PHALKE, J.)