

CNR No. MHNS010006142022

Order below Exh.1 in Cri. Bail Application No.217/2022.
(Rajesh Pita Daulatrao Phalke and others Vs. State)

The present anticipatory bail application is moved by the applicants-accused No. 1) Rajesh Pita Daulatrao Phalke and 2) Shwetambari Siddharth Hiwale, under section 438 of Cr.P.C. in connection with CR No.480/2021 registered with Dindori Police Station, Dist. Nashik for the offence U/s. 420, 427,406 r.w.s.34 of the Indian Penal Code on 23.7.2021.

2. It is stated in the application that applicants-accused are the Board of Directors of Rajesh India Agro Tech Pvt. Ltd., Aurangabad and extended their offers for production of Shatavari and Ashwagandha crops and convinced the first informant that such crop is giving the product of Rs.4 to 5 lacs per acre and therefore, the first informant approached the Company. Agriculture land situated at Kochargaon, Tal. Dindori was surveyed by the applicants-accused and thus, agreement was executed between them on 13.2.2019 and accordingly the first informant had taken the said crops in his field. However, the said crop was not lifted by the applicants-accused and was lying in the field of first informant and thereby caused loss of Rs.3,18,000/- to the first informant and therefore, first informant had filed the FIR with Dindori Police Station against the applicants-accused and one Siddharth Sakharam Hiwale. It is stated in the application that FIR is given just to extract the money from these applicants-accused. The applicants-accused are ready to co-operate with I.O. They are only earning members of their family and their antecedents are clean and therefore, prayed to allow anticipatory bail.

3. Notices issued to the police station concern, who filed their report and opposed the bail application.

4. Heard, both the parties. Perused the record.

5. The learned counsel Shri. R.S. Raut has submitted that it is civil transaction between the parties and first informant was at fault and did not co-operate with the applicants-accused as per the agreement and therefore, false case is filed against the applicants-accused and hence submitted that applicants-accused may be granted anticipatory bail.

6. On the other hand, learned APP Shri. Suryvanshi submitted that applicants-accused have cheated the first informant, who is an agriculturist and who invested the huge amount in his field and instead of lifting the said crop from his field, applicants-accused had neglected to pick up the crops and in the said process they have accepted the amount worth Rs.2,40,000/- and thus, caused wrongful loss worth Rs.3,18,000/- to the first informant. He pointed the terms and conditions of the agreement particularly clause No.3 of the said agreement, which shows that the burden was upon the company to pay the amount to the agriculturist and lift the said crop on their own costs.

7. On perusal of the entire record, it appears that the applicants-accused have incorporated Rajesh India Agro Tech Pvt. Ltd. Company and induced the first informant to pay the amount of Rs.2,40,000/- to them and promise them to lift the said crop as and when it was ready. However, subsequently, the applicants-accused neglected to lift the said crops and thereby caused huge loss to the

first informant. Today I.O. is present who submitted that during the investigation it revealed that address of the company is false and there is no such company at the address given as Garkheda, Renukanagar, Auarangabad even during the course of protection given to the applicants-accused by way ad-interim anticipatory bail, they have switched off their mobile phones and/or it went out of coverage area. Today also I.O. has called the applicants-accused on his mobile telephone, which came to be switched off. The learned counsel for the applicants-accused also tried to contact both accused, however, they were not reachable. If such type of behaviour of the accused, it is very objectionable and they have misused the protection of ad-interim bail given by this court and did not co-operate the police machinery. There are several other Civil and Criminal matters pending against the applicants-accused at Jalana and Auarangabad as submitted by the I.O. Thus, in all applicants-accused are not entitled for anticipatory bail. Hence, following order is passed.

ORDER

- 1) Anticipatory Bail Application No. 217/2022 is hereby rejected
- 2) Inform concerned Police station.

Date- 04.04.2022

(M.A. Shinde)
Additional Sessions Judge-8,
Nashik.