

Criminal Application No. 5603 of 2016

District : Parbhani

versus

1. The State of Maharashtra,
through Police Station Officer,
Sonpeth Police Station,
Taluka : Sonpeth,
District : Parbhani.
2. The Superintendent of Police,
Parbhani, Dist. Parbhani. .. Respondents.

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Mr. A.R. Devakate, Advocate, for the applicant.

Mr. S.D. Ghayal, Addl. Public Prosecutor, for
respondent nos.1 and 2.

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CORAM : A.M. BADAR, J.

DATE : 18TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 179/2016 registered with Sonpeth Police Station,

Taluka Sonpeth, District Parbhani, for offences punishable under Sections 420, 471, 468, 379 read with Section 34 of the Indian Penal Code and under Section 48(7) & (8) of the Maharashtra Land Revenue Code, 1966, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused as well as the learned Addl. Public Prosecutor appearing for respondents.

3. The learned Addl. Public Prosecutor submitted that as the forged receipt is in the name of the present applicant, prima facie it should be held that it is the applicant who has prepared this forged receipt and used it for transportation of minor mineral.

4. Perused papers of investigation as well as annexures to the present application. The applicant is a successful bidder and as such an allottee of Sand Ghat at Shirori, Taluka Sonpeth, by paying amount of highest bid amounting to Rs. 91,90,298/-. FIR in question is lodged by Vikas s/o. Shriram Wani. The vehicle in question was seized by Deputy R.T.O. on 18.07.2016. Driver of the vehicle had given transit pass bearing No. 201 authorizing transportation of minor mineral i.e. sand to the Deputy R.T.O. who has seized the truck. Then a show

cause was given to the applicant by revenue authorities and the applicant had tendered explanation by stating that he is having transit pass-book containing receipt nos.201 to 250 with him and had not issued any such receipt. Thereafter, on instructions of the Collector, the Tahsildar directed Talathi to lodge FIR in the matter.

5. There is no tangible evidence on record to show that forged receipt containing No. 201 was prepared at the instance of the present applicant. Except statement of the co-accused, there is no evidence to show that the sand in the truck was lifted from the Sand Ghat of the applicant.

6. In this view of the matter, custodial interrogation of the applicant in the crime in question is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) In the event of arrest of the applicant / accused, in the above crime, he be released on bail on his executing P.R. Bond in the sum of Rs. 25,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant / accused shall abide by the following directives :-

(i) The applicant shall attend the concerned Police Station on 30th October 2016 in between 11.00 a.m. and 01.00 p.m. and to cooperate with the investigator.

(ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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