

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6202 OF 2016

Shantaram Navnath Shinde,
Age : 39 years, Occu.: Agri. & Business,
R/o : Jamkhed, Taluka Jamkhed,
District – Ahmednagar .. Applicant

Vs.

The State of Maharashtra
Through Police Station Officer,
Sonpeth Police Station,
Taluka – Sonpeth,
District – Parbhani .. Respondent

Mr. Satyajit S. Bora, Advocate for the applicant
Mr. R.V. Dasalkar, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 01/12/2016

ORAL ORDER :

Heard.

2. The applicant seeks his protection from arrest in connection with Crime no.179 of 2016 registered at Sonpeth Police Station, Dist. Parbhani for the offences punishable under Section 420, 468, 471, 379 r/w. 34 of the Indian Penal Code and Section 48(7)(8) of the Maharashtra Land Revenue Code.

3. It is submitted on behalf of the applicant that the applicant is the owner of the vehicle, in which sand was being transported pursuant to transit pass no.201 issued by the Office of the Tehsildar. This transit pass was found not to have been issued by the Office of the Tehsildar and hence the said report came to be lodged. It is submitted by learned counsel for the applicant that this transit pass stands in the name of one Bajirao Mahadeo Mane and hence said person would be liable for action. The present applicant being owner of the said vehicle could not be faulted, as he was merely transporting the sand on the basis of the transit pass. It is further submitted that since the aforesaid transit pass has now been seized, custodial interrogation of the applicant is not necessary.

4. The Application is opposed by learned Additional Public Prosecutor by relying upon the police papers. He submits that after making enquiry with the Office of Tehsildar, it was noticed that the transit pass in question issued in the name of Shri Bajirao Mane, was not an authentic document. Therefore, for the

purpose of further investigation, the custody of the applicant would be necessary.

5. Perused the police papers. The same indicate that on the basis of aforesaid transit pass, the sand was excavated and was being transported from the vehicle of the applicant. Considering the fact that the said transit pass was issued in the name of Shri Bajirao Mane and the applicant was merely the owner of the concerned vehicle, case has been made out for granting protection to the applicant. The same would be subject to conditions.

6. In view of aforesaid, the following order:-

ORDER

I) The Application is allowed.

II) In the event of applicant's arrest in connection with no.179 of 2016 registered at Sonpeth Police Station, Dist. Parbhani for the offences punishable under Section 420, 468, 471, 379 r/w. 34 of the Indian Penal Code and Section 48(7)(8) of the

Maharashtra Land Revenue Code, he shall be released on bail, upon executing P.R. bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

III) The applicant shall attend the concerned Police Station on 13/12/2016 and co-operate with the investigation. He shall thereafter continue to attend the said Police Station, as per the directions of the Investigating Officer.

IV) The applicant shall not take any steps to influence the prosecution witnesses.

7. Observations made in this order are only for the purposes of deciding the present Application.

8. Criminal Application is accordingly allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

arp/