

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

CRIMINAL APPLICATION (ABA) NO. 418 OF 2017

(VIJAY S/O RAMESHAR RAUT AND ANOTHER...VS.. STATE OF MAH. THR. P.S.O. PS CHANDUR
BAZAR, DISTT.AMRAVATI)

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

Court's or Judge's orders

Shri S. V. Sirpurkar, Advocate for Applicants.
Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 13th JULY, 2017.

After arguing for sometime, Shri S. V. Sirpurkar, Advocate for the applicants, on instructions, states that application of applicant No.1 is not pressed. The application of applicant No.1 – Vijay Rameshwar Raut is **dismissed** as not pressed. The applicant No.1 has enjoyed interim protection granted by this Court by the order passed on 20th June, 2017. The applicant No.1 – Vijay Rameshwar Raut shall surrender within 3 days, failing which note of his conduct be taken at all stages of the proceedings.

The applicant No.2, apprehending arrest in connection with Crime No.193 of 2017 registered for the offences punishable under Sections 379, 420, 467, 468 read with Section 34 of the Indian Penal Code and Section 15 of Environment (Protection) Act, 1986, seeks pre-arrest bail.

The crime is registered on the complaint lodged by the Assistant Police Inspector that tractor and trolley containing sand was stopped and the driver of the tractor was

not having valid royalty transit pass, the applicant No.2 went to police station, produced a royalty pass bearing signature of driver Vishal, however, on inquiry it was found that the river bed from where the sand was being transported is not auctioned and then on further inquiry it is found that royalty pass is also a forged document.

The applicant No.2 contends that a false case is registered against the applicant No.2 and his brother and the concerned authorities are prosecuting them with a vindictive attitude. The copy of complaint made by the applicant No.1 – Vijay Rameshwar Raut on 25th May, 2017 is placed on record. In this complaint, the applicant No.1 – Vijay Rameshwar Raut has alleged that while his tractor with empty trolley, was going on road, it was stopped by the Police Officer and with the help of some labourers, 20 to 25 iron container (*Ghamela*) of sand was put in the trolley and forcibly photos of driver with tractor and trolley were taken.

According to the applicant No.2, he is not connected with carrying of sand in the trolley of tractor which is owned by applicant No.1 – Vijay Rameshwar Raut. Though alternatively it is claimed that sand was purchased from the Government Contractor, the applicant No.2 has not placed any document on record to substantiate the claim. However, fact remains that sand in question is seized alongwith trolley and tractor owned by the applicant No.1 – Vijay Rameshwar Raut.

Considering the facts on record, following order is passed :

In the event of arrest in connection with Crime No.193 of 2017 registered by the non-applicant, the applicant No.2 – Ajay Rameshwar Raut be released on bail on executing P. R. Bond for Rs.20,000/- and furnishing one solvent surety in the like amount.

The application of applicant No.2 – Ajay Rameshwar Raut is **allowed** in the above terms.

JUDGE

PBP