

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 304 OF 2020

Parmeshwar Vishwambhar Lohgave	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. S. V. Deshmukh, Advocate for the applicant
Mrs. P. V. Diggikar, APP for respondent - State

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**CORAM : R. G. AVACHAT, J.
(Vacation Court)**

DATED : 10th NOVEMBER, 2020

PER COURT :

1. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No.38/2020, registered at Umri Police Station, Taluka Umri, District Nanded, for the offences punishable under Sections 379, 511 read with 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR) and related papers.

The FIR has been lodged by a Police Constable on 22.02.2020, alleging therein that he along with some police staff,

were on patrolling duty. It was about 11.50 p.m., near police colony at Umri, he noticed that sand was being removed from Haiwa vehicle and filled in a Tipper. The patrolling party, therefore, went close. The persons engaged in committing theft of the sand, ran away, except one. That person informed that Haiwa belonged to Parmeshwar Vishwambhar Lohgave (applicant herein). The driver of Tipper also ran away. The Tipper contained one brass sand. A crime, therefore, came to be registered against unknown persons.

3. Learned Advocate for the applicant would submit that the applicant was not at the site. He is not owner of any of the vehicles, namely Haiwa or Tipper, found at the spot.

4. There is no contra material to rebut the contention of the learned Advocate for the applicant. As such, case for grant of anticipatory bail is made out. Hence, following order :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.38/2020, registered at Umri Police Station, Taluka Umri, District Nanded, for the offences punishable

under Sections 379, 511 read with 34 of the Indian Penal Code, the applicant be released on executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with surety in the like amount.

- (iii) The applicant shall appear before the investigating officer as and when required.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS