

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 393 OF 2021

Parmeshwar Tukaram Pandhare,
Age : 24 years, Occu. Agril.,
R/o Kothi, Tq. Ghansawangi,
District Jalna

APPLICANT

VERSUS

The State of Maharashtra
through Police Station Gondi,
District Jalna

RESPONDENT

Mr. S.J. Salunke, Advocate for the applicant
Smt. R.P. Gaur, A.P.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 20.04.2021

PER COURT :

Heard the learned Advocate for the applicant, who is seeking bail in anticipation of his arrest in connection with Crime No.42 of 2021, registered with Gondi Police Station, District Jalna on 09.02.2021 for the offences punishable under Sections 201, 353, 379 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Mine and Minerals Act, 1952.

2. The FIR has been lodged by a police officer inter alia to the effect that on a tip-off, when a raid was effected in the riverbed, a tractor with trolley loaded with sand was seen moving. The police party accosted the tractor. The driver of the tractor fled from the spot. One Arun Giram was made to drive the tractor with a view to take it to the police chowki. It is alleged that the applicant, who is the owner of the tractor, arrived there and created obstruction in taking the tractor away from the spot. He forcibly made Arun Giram to alight from the driver's seat and fled from the spot by stealing the tractor. A mobile phone of the original driver was seized from the spot. The FIR was lodged and the crime was registered for the aforementioned offences.

3. The learned Advocate would submit that the applicant is being falsely implicated. A specific grievance about such false implication was comprehended by him. Even a complaint was lodged with the Superintendent of Police about it on 11.02.2021. The applicant has been falsely involved because of some grudge being entertained by the informant – police officer. Nothing is to be recovered from him. He is ready to abide by any condition. His custodial interrogation is not necessary and following the principles laid down in the case of *Siddharam Satlingappa Mehetre Vs. State of Maharashtra and others ; (2011) 1 SCC 694* , he is entitled to anticipatory bail.

4. The learned A.P.P opposes the application.

5. As can be seen, the FIR does specifically mention the name of the applicant to be a person who is the owner of the tractor and who had not only created obstruction in taking away the tractor to the police station, but even forcibly fled with the tractor. At this juncture, this much of material is sufficient to reveal involvement of the applicant in commission of the offences punishable under Sections 353 and 379 of the IPC.

6. Needless to state that the offences of the kind are on the rise. It is precisely for this reason, the offence is now made triable by the Court of Sessions.

7. Conspicuously, in spite of a specific observation by the learned Additional Sessions Judge, while refusing to grant anticipatory bail to the applicant, by referring to the statement of one Arun about involvement of the applicant in illegal transportation of minerals, the applicant has conveniently omitted to aver in the application as to if any other offence of the same kind has been registered against him. Even the learned Advocate for the applicant, when a query is put to him as to if the applicant is involved in any other crime earlier, is unable to reply the query.

8. Considering the above mentioned state-of-affairs, custodial interrogation of the applicant is highly imperative. Even by following the principles laid down in the case of *Siddharam Satlingappa Mehetre* (supra), he is not entitled to derive any benefit.

9. The application is rejected.

[MANGESH S. PATIL]
JUDGE

npj/ABA393-2021