

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

CRIMINAL APPLICATION (ABA) NO.66 OF 2021

(Kamlesh Tukaram Bandebuche Vs. State of Maharashtra thr. PSO PS Pardi, Nagpur)

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

Court's or Judge's orders.

Mr. R.R. Vyas, Advocate for Applicant.
Mr. S.A. Ashirgade, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 3rd MARCH, 2021.

The applicant is apprehending arrest in Crime 546/2020 registered with Police Station Pardi, Nagpur for offences punishable under Sections 379, 406, 420 and 120-B of the Indian Penal Code.

2. The applicant is arraigned as accused 21.

3. The crime is registered in view of the interception of five trucks allegedly transporting illegally excavated sand.

4. I have perused the material in the case diary. At this stage, there does not appear to be any material linking the applicant with the transportation of illegal sand which was detected on the relevant day.

5. The only incriminating material, if at all, is a

statement of one witness who sweepingly refers to five to six villagers including the applicant as the persons involved in illegal excavation of sand.

6. It is pointed out that the applicant has adverse antecedent in as much as he is implicated in one similar offence.

7. The adverse antecedent is noted. In the present case, since there is no material on record to connect the applicant with the alleged crime, the fact that there is one adverse antecedent is not reason enough to deny pre-arrest protection.

8. The interim pre-arrest protection granted vide order dated 15.02.2021 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station, as and when required by the Investigating Officer.

JUDGE