

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

Criminal Application (ABA) No. 251 of 2021

(Arun S/o Ramkrushna Falke and anr. ..vs.. The State of Maharashtra through P.S.O., P.S. Tamgaon,
Tq. Sangrampur, Dist. Buldhana)

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

Court's or Judge's orders

Mr. Ram D. Karode, Advocate for the applicants
Mrs. K. R. Deshpande, APP for the State

CORAM : ROHIT B. DEO, J.

DATED : 03-05-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicants are apprehending arrest in Crime 82/2021 registered with Police Station, Tamgaon, Tah. Sangrampur, District Buldana for the offences punishable under Sections 353, 379 and 186 of the Indian Penal Code read with Section 21(1) of the Mines and Mineral (Development and Regulation) Act, 1957.

3. The offence is registered on the basis of report dated 30-3-2021 lodged by Talathi Mr. Atmaram Jadhav. The gist of the report is that he received information that

sand is illegally excavated. Pursuant to the receipt of information, one tractor with trolley attached, blue in colour, which did not bear the registration number plate, was found at the scene. The driver could not produce the transport permit. The Talathi took the key of the tractor in custody and at that time, applicant Gunwant came to the scene and held the hands of the Talathi which enable the tractor driver to start the tractor and leave the scene of occurrence. It is alleged that the tractor is owned by applicant Arun Falke.

4. I have perused the case papers. One blue colour tractor with trolley is seized since the same was produced by the relatives of the applicant Arun Falke. The applicants do not have adverse antecedents and there is no explanation for lodging the report five days after the incident.

5. The applicants have made out a case for pre-arrest protection.

6. In the event of arrest of the applicants in Crime 82/2021 registered with Police Station, Tamgaon,

Tah. Sangrampur, District Buldana for the offences punishable under Sections 353, 379 and 186 of the Indian Penal Code read with Section 21(1) of the Mines and Mineral (Development and Regulation) Act, 1957, the applicants be released on furnishing PR bond of ₹ 25,000/- (Rupees Twenty Five Thousand) each with solvent surety of like amount.

7. The applicants shall attend concerned police station on 4th, 5th and 6th May, 2021 from 10.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer till the filing of the charge-sheet.

8. The applicants shall not influence the witnesses directly or indirectly.

9. The application is disposed of.

JUDGE