

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

CRIMINAL APPLICATION (ABA) NO. 356/2021

Prajwal S/o Kishor Chandel
VERSUS
State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Z. Shakir, Advocate for applicant.
Shri M. J. Khan, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 05.07. 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant is apprehending to be arrested in Crime No. 528/2021 registered at Police Station Wardha City, District and Tahsil Wardha for the offence punishable under Sections 379 of the Indian Penal Code. The applicant has claimed protection on the ground of innocence, false implication, inadequacy of material etc. The State resisted bail by filing reply-affidavit. It is contended that Sarpanch has informed to the Tehsil Officer regarding sand dumped near the road side adjacent to the wall. Inspection was conducted wherein 200 brass

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of sand was found.

3. The Tehsildar has directed Patwari to confiscate the sand. In turn, Patwari has seized 200 brass sand under Panchanama. It is alleged that the applicant has stolen the seized sand in between 23.05.2021 to 24.05.2021.

4. It is brought to the notice that the material was not seized from the possession of the applicant. The prosecution has not brought any material against the applicant to directly connect him with the seized property. This Court has granted interim protection to the applicant by considering that he is young student and he was quarantined at the relevant time when theft was allegedly committed. There is no material to show that the applicant was in-fact seen on the spot when the sand was moved. There is no dispute that the applicant had attended Police Station as directed nor he has misused the interim protection. Having regard to all these circumstances, interim protection can be made absolute by putting certain condition, hence following order:-

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- (I) Application stands allowed.
- (II) Ad-interim protection dated 21.06.2021 is hereby made absolute.
- (III) Prajwal S/o Kishor Chandel - applicant is directed to attend concerned Police Station on every Monday from 10.00 a.m. to 12.00 noon till filing of charge-sheet.
- (IV) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

Gohane.