

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

CRIMINAL APPLICATION (ABA) NO. 381 OF 2021

Ashish s/o Manikrao Yenchilwar

..VS..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri V.S. Kukday, Advocate for applicant.
Shri I.J. Damle, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 23/07/2021

Hearing was conducted through Video Conferencing.

2. In apprehension of arrested in Crime No.346 of 2021 registered with Gadchiroli Police Station, District Gadchiroli for the offence punishable under Sections 379, 511 read with 34 of the Indian Penal Code and Sections 47, 7 and 8 of the Maharashtra Land Revenue Code, 1966, the applicant is seeking for pre-arrest bail in terms of Section 438 of the Code of Criminal Procedure.

3. It is alleged that the applicant has been allotted sand spot meaning thereby he is a lease holder and was permitted to excavate sand from river bed. According to the prosecution, during night hours, it was found that sand has been illegally excavated from the sand ghat allotted to the applicant. It is argued that since the applicant made a complaint

against the Sub Divisional officer about harassment, therefore, false report has been lodged. In support of said contention, the applicant has produced show cause notice issued by the District Collector to the concerned, on the basis of the applicant's grievance. The State resisted bail by filing affidavit-in-reply.

4. Learned A.P.P. appearing for the non-applicant State pointed the statement of co-accused to contend that at the instance of the applicant, sand was illegally removed.

5. It reveals that F.I.R. does not disclose name of the applicant. The entire excavation sand and related instruments were came to be seized. During the trial, it is to be proved that at the instance of the applicant, the sand was being excavated against the terms of contract. Already interim protection has been granted and there is no allegation of misuse of liberty.

6. In view of that, pre-arrest protection can be granted by putting applicant on certain terms. Hence the following order :

(a) Ad-interim order dated 30.06.2021 passed by this Court is hereby made absolute on same terms and conditions with a modification that the applicant shall attend concerned Police Station on every Sunday in between 11.00 am

to 2.00 pm till filing of charge-sheet.

JUDGE

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