

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.218 OF 2022

Shyam @ Sham S/o Balaji Hilala

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.D.M. Shinde Advocate for Applicant.
Mr.B.V. Virdhe, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 14th MARCH, 2022

ORDER :

1. Applicant is apprehending his arrest in connection with Crime No.98 of 2021 registered with Palam Police Station, Taluka-Palam, District-Parbhani for the offence punishable under Sections 307, 353, 379 read with Section 34 of the Indian Penal Code and under Sections 48(7)(8) of Maharashtra Land Revenue Code.

2. Heard learned Advocate Mr. Shinde for the applicant and learned APP Mr. Virdhe for the respondent – State. In order to

cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

3. Perusal of the First Information Report would show that it has been lodged by Vishwas Khole, who is serving as PSI with Local Crime Branch, Parbhani. He along with other police personnel were on patrolling duty on 15th May 2021 at about 1.30 a.m. when they found three tractors and one J.C.B. machine in Bhogaon Shivar area in the Gairan. When they were proceeding towards J.C.B. machine and tractors and telling said persons to stop and they were police persons, the persons therein started running. Three tractors in which there was mud / earth, they went away by taking advantage of the darkness. The driver of the J.C.B. machine tried to run the J.C.B. machine on the person of the Police personnel. They rescued themselves by jumping and thereafter the J.C.B. machine went into a ditch. The driver, however, managed to flee away in the darkness. The J.C.B. machine has been seized at the spot.

4. It is to be noted that the present applicant is stated to be the owner of the J.C.B. machine. Temporary registration certificate documents are standing in the name of the present applicant and it also appears that the present applicant has

received the possession of the J.C.B. machine under the orders of the learned Judicial Magistrate First Class, Palam under Section 457 of the Code of Criminal Procedure. As aforesaid, neither the driver nor the other persons who were allegedly present at the spot, were identified. No specific role is attributed to the applicant and therefore, the physical custody of the applicant may not be required. This Court had granted interim protection to the applicant by order dated 28th February 2022, which deserves to be confirmed. Hence, the following order is passed:-

ORDER

- i) Application stands allowed.
- ii) The interim protection granted to the applicant by this Court by order dated 28th February 2022 stands confirmed. It is thus clarified that in the event of arrest of applicant – Shyam @ Sham S/o Balaji Hilala in connection with Crime No.98 of 2021 registered with Palam Police Station, Taluka-Palam, District-Parbhani for the offence punishable under Sections 307, 353, 379 read with Section 34 of the Indian Penal Code and under Sections 48(7)(8) of Maharashtra Land Revenue Code, he be

released on bail on PR Bond of Rs.30,000/- with two sureties of Rs.15,000/- each, if already not released.

iii) Applicant shall remain present before the Investigating Officer as and when called and co-operate with the investigation.

iv) Applicant shall not tamper with the evidence of the prosecution in any manner.

v) Applicant shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI , J.]