

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.739 OF 2022

GANESH GORAKSHNATH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Mr. R.R. Karpe, Advocate for the Applicant
Mr. V.M. Kagne, APP for Respondents/State
.....

[CORAM : S.G. MEHARE, J.]

DATE : 4th JULY, 2022

ORDER :

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The prosecution has a case that the raiding party saw one white colour dumper with the words '*Jai Hanuman*' written thereon. The said dumper was carrying *Murum* without permit. However, the truck driver of the said dumper fled away. Thereafter, the local person, namely Vaibhav Gangadhar Ukande was asked to drive the said dumper and bring it to the Tahsil Office. He was also dishonest. He unloaded the *Murum* from the dumper in the midway and flee away with the said dumper. Thereafter, the offence is registered and the vehicle,

which is registered in the name of the applicant was shown involved in the crime. The applicant has a case that the vehicle was allegedly used for committing the offence was having no number plate. The vehicle of the applicant was different from the said vehicle, which was involved in the crime. There is no cogent evidence that the vehicle of the applicant was the same, which was allegedly involved in the crime. In fact, the applicant has no concerned with the alleged applicant. He is not involved in the offence of the theft of the minor minerals. Therefore, only on the suspicion, the applicant has been arraigned as an accused. Hence, he may be protected from his arrest.

3. Learned APP has vehemently argued that not only the driver of the vehicle but local persons were also involved in committing the theft of minor minerals. During the course of the investigation, it is transpired that the vehicle involved in the crime was same, which was registered in the name of the applicant. The R.T.O. record is collected to support the contention that the vehicle belonging to the applicant was the same, which was used for committing the crime. The vehicle identification panchanama was also drawn.

4. After having gone through the allegations and the papers of investigation, it appear that the prosecution has confusion about the vehicle actually used in the crime. In such circumstances, the benefit would go to the applicant. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant **Ganesh Gorakshnath Jadhav** be released on bail on furnishing P.B. and S.B. of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount in Crime No. 505 of 2021, registered with M.I.D.C. Police Station, Ahmednagar for the offences punishable under Sections 353, 379, 504, 506, 34 of the Indian Penal Code and under Sections 3 and 15 of the Protection of Environment Act, on the condition that he shall attend the Police Station as and when called on written notice.
- (iii) The applicant shall not indulge in the same nature of crime.

[S.G. MEHARE, J.]