

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

905 ANTICIPATORY BAIL APPLICATION NO.874 OF 2022

DEEPAK @ BANTI VIKAS PATIL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bhausahab Sadashivrao Deshmukh
APP for Respondent : Ms.V.S.Choudhari

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CORAM : S. G. MEHARE, J.

DATE : 21st July, 2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. Issue notice to the respondent. Learned APP waives service of notice for the respondent-State.
3. The applicant has a specific case that his Truck was carrying the sand from Morva, Dist.Panchmahal (Gujarat State). He had obtained royalty pass to carry the sand between 30th May, 2022 (07:46 a.m.) to 31st May, 2022 (07:46 p.m.). He has vehemently argued that the Truck was loaded with the sand brought from Morva, Dist.Panchmahal (Gujarat State). The complainant stopped his Truck and asked the Driver to produce

royalty pass. The Driver had shown the royalty pass to him. Then the complainant Talathi - Deepak Navnath Thombre started demanding bribe. The Driver and applicant denied to pay him bribe. Therefore, he has concocted a false story of carrying the sand in the Truck unauthorizedly excavating from Vajinath Sand Ghat. It has been vehemently argued by the learned counsel for the applicant that no offence as alleged has been committed by the applicant, even then the Truck of the applicant was stationary in Erandol Police Station as per the say of one Talathi - Mr. More, since last more than two months. The Police Station Officer of Erandol Police Station wrote a letter dated 19th July, 2022 to Tahsildar, Erandol about applicant's Truck and also intimated to him that the Truck was parked but no report is registered with the Police Station about the said Truck. In nutshell he has an argument that no offence as alleged is committed. However, the complainant demanded the bribe and his Driver denied. Hence, he has concocted a false story.

4. The learned APP for the respondent-State has opposed the application mainly on the ground that there are antecedent to the discredit of the applicant. An offence punishable under Sections 307, 353, 395, 379, 332 of the IPC is pending against the applicant. Therefore, he may not be released on anticipatory

bail.

5. The applicant has a specific case that on the alleged date he was carrying the sand from Morva, Dist.Panchmahal (Gujarat State) in the Truck and he has obtained royalty pass for that purpose. He has placed on record the royalty pass, which matches with the alleged date of incident. Besides this, the Truck of the applicant has been stationary in the ground of Erandol Police Station. In view of this fact, there is ground to release the applicant on anticipatory bail. Hence, the following order :-

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicant - Deepak @ Banti Vikas Patil be released on bail, on furnishing P.B. and S.B. of Rs.20,000/- (Rs. Twenty thousand only) with one solvent surety of the like amount, in C.R. No.170 of 2022, registered with Dharangaon Police Station, Dist.Jalgaon, for the offence punishable under Sections 379, 353, 323, 504, 506 read with Section 34 of the Indian Penal Code.

(S. G. MEHARE)
JUDGE