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

ANTICIPATORY BAIL APPLICATION NO.959 OF 2022

VISHNU GANGADHAR JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH
ANTICIPATORY BAIL APPLICATION NO.852 OF 2022

NASIR SHAHA S/O. MAHEBOOB SHAHA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr Mahesh P. Kale, Advocate for applicant in ABA/959/2022;
Mr P. S. Paranjape, Advocate for applicant in ABA/852/2022;
Mr S. B. Narwade, A.P.P. for respondents/State in all matters

CORAM : S. G. MEHARE, J.

DATE : 23rd August, 2022

PC.

1. Heard the learned counsel for the applicants and learned A.P.P. for the respondent.

2. The applicants have claimed that they have leased their trucks to the contractor/bidder of sand. Therefore, they had no control over the trucks hired, those were under the control of the bidder only. The trucks were standing in the depot and one of the trucks was not in order. The trucks have already been seized by the police. They have been put to heavy loss.

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3. The learned A.P.P. has opposed the application contending that though the applicants are the owners of the trucks, unauthorized excavation of sand was going on to their knowledge; hence anticipatory bail may not be granted.

4. The bidder did not deny that he had hired the trucks owned by the present applicants. Since the vehicles were hired by the bidder, the bidder must have control over the vehicles. Therefore, the applicants who are the registered owners of the vehicles involved in the crime, cannot be held liable for acts committed by the bidder. Therefore, the applicants are entitled to anticipatory bail. Hence, the following order:-

- i) The applicants are allowed.
- ii) The interim protection granted to the applicant Vishnu Gangadhar Jadhav in ABA No.959 of 2022 by order dated 26.7.2022 and applicants No. (1) Nasir Shaha s/o Maheboob Shaha, (2) Mohammad Taher s/o. Mohammad Pasha Shaikh, (3) Shaikh Navid Shaikh Yunus in ABA No.852 of 2022 by order dated 14.7.2022, is confirmed on the same terms and conditions.

(S. G. MEHARE, J.)

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