

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

ANTICIPATORY BAIL APPLICATION NO.1298 OF 2022

**SUNIL JANARDHAN SALVE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Umesh S. Mote
APP for Respondent – State : Mr. A. V. Deshmukh
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th OCTOBER, 2022

PER COURT :

1. Allegation against applicant is that applicant/driver was carrying illegally excavated sand in tractor owned by one Vijay Jarhad. The said tractor was intercepted and asked to be taken to Tahsil Office, Badnapur. It is alleged by prosecution that, at the instance of owner, applicant emptied the sand on the way and fled from the spot. Learned advocate for applicant has placed on record order passed by this Court in favour of tractor owner in Anticipatory Bail Application No.802/2022. This Court has granted anticipatory bail to the owner holding that purpose of recovering vehicle involved in offence has been served, and therefore, custodial interrogation of applicant therein will serve no purpose.

2. Learned Additional Public Prosecutor strenuously opposed application contending that custodial interrogation of

applicant is necessary to ascertain as to how much sand is illegally excavated by applicant at the instance of his owner.

3. No useful purpose will be served by custodial interrogation of applicant. The offence is registered on 07/06/2022. Vehicle used in the offence is already seized. In that view of the matter, on the ground of parity, applicant deserves relief.

4. The application is, therefore, allowed. In the event of arrest of applicant in connection with Crime No.0279/2022, registered with Badanapur Police Station, Jalna, for offences punishable under Sections 353, 379 read with 34 of IPC and Sections 3 and 4 of the Mines Act, 1952, applicant shall be released on bail on furnishing P.R. bond and surety bond of Rs.10,000/-, with one surety in the like amount. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer.

(NITIN B. SURYAWANSHI, J.)