

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1093 OF 2022

Ramdas Bhaskar Gavhane

... Applicant

V/s.

The State of Maharashtra

... Respondent

**PRIYA
RAJESH
SOPARKAR**

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Date: 2022.04.25
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Mr.Aniket U. Nikam alongwith Mr.Amit Icham, Advocates for the Applicant.

Ms.M.R.Tidke, APP for the Respondent/State.

**CORAM : VINAY JOSHI, J.
DATE : 22nd APRIL, 2022.**

P.C.:-

1. In anticipation of arrest in Crime No.I-27 of 2022 registered with Igatpuri Police Station, District Nashik for the offence punishable under Section 379 of the Indian Penal code. The applicant is seeking pre-arrest protection.

2. At the instance of report lodged by Circle Officer, crime was registered. It is a prosecution case that the truck bearing registration No.MH-15-EF-1798 owned by applicant was seized on the allegation of illegal transportation of minor minerals. After seizure, truck was parked in circle office, however, the applicant allegedly moved the property namely "truck" with dishonest intention and therefore, the crime.

3. The applicant's learned counsel would submit that the applicant was having proper authorization for transportation of minor minerals. Applicant is owner of truck and therefore, no offence would attract. Moreover, it is submitted that the offence may attract maximum

punishment of imprisonment which may extend to 3 years of imprisonment. The State resisted bail by contending that while the truck was seized by the Government Authorities, the applicant has moved the same without consent, hence offence is complete.

4. Undisputedly, the applicant is owner of truck which was alleged to have been stolen. No doubt while the truck was in the custody of the Circle Officer, it was moved without permission. It is brought to the notice that subsequently the truck was seized from the village where mother of applicant is residing. Having regard to the said fact, there is no need to have custodial interrogation as nothing is to be seized. In view of that, applicant's liberty can be protected by directing him to join the course of investigation.

5. In view of that, following order :-

(a) In the event of arrest, the Applicant/Accused namely - Ramdas Bhaskar Gavhane in Crime No.I-27 of 2022 registered with Igatpuri Police Station, District Nashik for the offence punishable under Section 379 of the Indian Penal code, he be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(b) The applicant shall attend the concerned Police Station on every Sunday in between 10.00 a.m. to 12.00 noon till filing of the chargesheet.

(c) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(d) The application stands disposed in above terms.

(VINAY JOSHI, J.)