

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.8 OF 2022

Bhaiya S/o Damodarrao Jichkar

Versus

State of Maharashtra, through P.S.O. Chandur Railway, Dist. Amravati Rural

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Jaltare, Advocate for the applicant.

Shri M.J. Khan, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 02/03/2022

1. In a Crime involving sand theft, on a statement of co-accused, the applicant has been arrayed as accused.

2. This Court on 05.01.2022, granted *ad-interim* anticipatory bail to the applicant.

3. Shri Jaltare, learned counsel for the applicant has pointed out that as per clause (iii) of the operative order dated 05.01.2022, the applicant had attended the concerned Police Station regularly and he has not misused the liberty.

4. On the other hand, Shri Khan, learned APP strongly opposes the application and submits that the truck involved in the alleged offence is owned by the applicant.

5. Thereupon, the learned counsel for the applicant submits that the document is filed on record showing the agreement whereby the truck was handed over to one Prashant Bhaurao Raut on lease vide document dated 19.09.2019.

6. Learned APP fairly states that there are no criminal antecedents or there is no past record of the applicant being involved in the similar type of offences.

7. On perusal of the case diary and considering the fact that there is no criminal antecedent to the discredit the applicant, I am of the opinion that the order passed by this Court on 05.01.2022 needs to be confirmed.

8. The application is **allowed**.

9. *Ad-interim* anticipatory bail granted by this Court vide order dated 05.01.2022, is confirmed.

10. The applicant shall attend the concerned Police Station as and when his presence is required.

11. Liberty granted to the non-applicant/State to apply for cancellation of bail in case the applicant repeats the similar offence.

The criminal application is **disposed of**, accordingly.

CHETAN
LOPCHAND
DHAKATE

[ANIL S. KILOR, J.]