

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

Anticipatory Bail Application No. 176 of 2022

Praful S/o Shivdasji Kapse

Versus

The State of Maharashtra, through Police Station Officer, Nagpur
Tah. & District Nagpur

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

Court's or Judge's Order

Shri Atul Pande, Advocate for the applicant.

Mrs. S.S.Jachak, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 11th APRIL, 2022.

The applicant is seeking pre-arrest bail in Crime No. 23 of 2022 registered with Police Station Sadar, District Nagpur, on 19th January, 2022 against one Rahul Khanna and other unknown persons for the offence punishable under Sections 120(B), 379, 419, 420, 465, 466, 467, 468, 471 read with Section 34 of the Indian Penal Code, read with Sections 48(7) and 48(8) of Maharashtra Land Revenue Code, 1966 and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

2. The allegations in the First Information Report are about the sand theft on the basis of bogus transit pass.

3. Shri Pande, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence whereas he has no connections with the alleged offence. He submits that name of the applicant is not mentioned in the First Information Report, however on the basis of statement of co-accused, the applicant has been arrayed as accused in the alleged offence. He further submits that the custody of the applicant is not necessary in this case.

4. On the other hand, Mrs. Jachak, learned Additional Public Prosecutor strongly opposed the application and made available the case diary for perusal. It is submitted that there is sufficient incriminating material available against the applicant to show his involvement in the alleged offence. It is further submitted that for the investigation, custodial interrogation of the applicant is necessary as the offence is serious and relating to the environment.

5. I have perused the case diary and also contents of the First Information Report. Though the name of the applicant does not appear in the First

Information Report, however, during the investigation the Investigating Officer has collected sufficient material which *prima facie* show the link of the applicant with the main accused and his role in the alleged offence. The applicant is the owner of the vehicle involved in the offence. There are criminal antecedents to the discredit of the applicant and even the offence under Sections 353 and 354 of the Indian Penal Code were registered against the applicant in similar crimes.

6. Thus, looking to the severity of the present offence, which is related to the environment and as such against the society and also considering the criminal antecedents of the applicant, and necessity of the custodial interrogation in the alleged offence, I am of the opinion that the applicant is not entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i. Criminal application is rejected.

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.04.12
17:05:26 +0530