

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

CRIMINAL APPLICATION (ABA) NO.530 OF 2022

Santosh S/o Tukaram Chandewad

Versus

State of Maharashtra, through P.S.O., P.S. Umerkhed, Tq. Umerkhed, Dist. Yavatmal

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

Court's or Judge's Order

Shri Dhiraj Ailani, Adv. h/f Shri S.M. Lodha, Adv. for the applicant.
Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 05/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.368 of 2022, dated 10.06.2022, registered with Police Station Umerkhed, District: Yavatmal, for the offences punishable under Sections 353 and 379 of the Indian Penal Code and Sections 3 and 5 of the Prevention of Damage to Public Property Act.

2. The learned counsel for the applicant submits that the applicant is the driver, who acted on the instruction of the owner of the truck, and considering the allegations made in the First Information Report (FIR), the story itself is improbable. He accordingly, submits that the custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that in this case, the custodial interrogation of the applicant

is necessary to know where the applicant had unloaded the truck containing stones and as the matter is relating to illegal mining, custodial interrogation of the applicant is necessary. Accordingly, he prays for rejection of the present application.

4. I have perused the Case Diary and the FIR.

5. The allegations in this case, are that the applicant is driver of the truck bearing No. MH-27-X-0226 which was seized by the Revenue Department, Umerkhed on 10.06.2022 and was brought to the office of the Tahsildar. The said truck was containing stones. After the truck was brought to the office of the Tahsildar, the applicant took the keys of the truck, lying on the table of the Tahsildar and fled away with the truck. The incident was recorded in CCTV footage.

7. In the light of the allegations and considering the nature of the offence, I am of the opinion that as custody of the applicant is necessary, it is not a fit case for grant of pre-arrest bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]