

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

CRIMINAL APPLICATION (ABA) NO.558 OF 2022

Pravin S/o Dinkar Nagre

Versus

State of Maharashtra, through P.S.O., P.S. Andhera, Dist. Buldhana

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

Court's or Judge's Order

Shri R.V. Gahilot, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 11/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.351 of 2021, dated 11.10.2021, registered with Police Station Andhera, District: Buldhana, for the offences punishable under Sections 379 read with Section 34 of the Indian Penal Code.

2. Shri Gahilot, learned counsel for the applicant submits that on a statement of driver, he has been arraigned as accused in this case. It is submitted that he has been falsely implicated in the alleged offence. In fact, there is no material to connect the applicant in the alleged crime.

3. On the other hand, Shri T.A. Mirza, learned APP strongly opposes the present application and submits that the offence is very serious and it is related to the

environment. It is further pointed out that the applicant is the owner of the tipper which was seized with the stolen sand. It is therefore submitted that this Court may not grant bail to the applicant.

4. I have perused the Case Diary and the First Information Report (FIR).

5. In this case, the allegations are about theft of sand. The tipper was seized by the Police along with the stolen sand. The tipper is owned by the applicant and it is not the case of the applicant that, it was given on rent on the date of incident, to some third party.

6. Thus, *prima facie* the above referred facts sufficiently show the involvement of the applicant in the alleged offence. The offence of theft of sand is directly relates to the environment. Thus, it is an offence against society.

7. Accordingly, considering the nature of offence, I am of the opinion that this is not a fit case for grant of anticipatory bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]