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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.153 OF 2023

Hemal Ishwar Gamit and Another

APPLICANTS

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Saisagar A. Ambilwade, Advocate for the applicants
Mr. A. A. Jagatkar, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 16th FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 19 of 2023 registered with Navapur Police Station, Navapur, District – Nandurbar for offence punishable under sections 353, 420 read with 34 of the Indian Penal Code.

2. FIR is lodged by Pratapsing Ramsing Rajput, RTO Inspector, alleging that on 16th January, 2023, in the evening, they suspected that Truck bearing Registration No. HH-23/AR-4245 of Sadbhav Company was overloaded, it was, therefore,

sent to weighing sale. It was found that it was overloaded by 12 tons than permissible limits. When they started process for imposing penalty, present applicants arrived there and started quarreling with them and prevented them from discharging their official duty.

3. Heard learned advocate for the applicants and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. The applicants have deposited fine imposed on them by the RTO authorities, to the tune of Rs.1,24,000/- on 16th January, 2023 itself. The applicants were granted interim protection and they have co-operated in the investigation. Nothing is to be recovered from the applicants. Pre-trial custodial detention of the applicants is not necessary in the facts of the present case.

5. In the result, the application is allowed. In the event of arrest of the applicants in Crime No. 19 of 2023 registered with Navapur Police Station, Navapur, District – Nandurbar for offence punishable under sections 353, 420 read with 34 of the Indian Penal Code, the applicants be released on furnishing Personal Bond of Rs.15,000/- each with one surety in the like amount. Till

filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the Investigating Officer and co-operate in the investigation. The applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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