

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 306 OF 2023

Ramkishan Babarao Budhwant

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. A.T. Jadhavar, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondents
....

**CORAM : R.G. AVACHAT, J.
DATED : 27th MARCH, 2023**

PER COURT :

1. This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 42 of 2023 registered with Jintur Police Station, Dist. Parbhani for the offences punishable under Sections 307 and 379 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. F.I.R. has been lodged by one Police Constable on 13th February, 2023. It is his case that the Sub-Divisional Police Officer, Jintur had informed

him that two tractors laden with stolen sand would be approaching from Parbhani side. The informant alongwith some police staff went to Aundha T-Point on Parbhani road. It was 07:15 in the morning. They noticed two green tractors, attached with trolleys containing sand, were approaching. The members of police team asked the tractor drivers to halt. One of the tractors halted. It was of John Deere company. On investigation thereof, it was found that the said trolley contained one brass of sand. Another tractor was bearing no number plate. The said tractor driver turned the tractor reverse direction and attempted to flee. The police officials, therefore, chased him on motorbike. The tractor driver allegedly drove the tractor towards police constables Labade and Rabade only with a view to ran over them. The said tractor driver is not before this Court. The applicant herein is said to be the owner of the tractor which was made to halt. No overt act has been attributed to the present applicant. So far as regards offence of theft of sand is concerned, admittedly, the applicant was not at the spot.

4. Since the applicant was not at the spot, his custodial interrogation is not warranted. Admittedly, his tractor containing sand has been seized. If the sand is found to be stolen one, necessary proceedings under the Maharashtra Land Revenue Code, 1966 would ensue. In view of the same, order dated 13th March, 2023 granting the applicant ad-interim anticipatory bail is hereby made absolute. The applicant shall appear before the

investigating officer, as and when required for the investigating purpose. The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD