

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

918 ANTICIPATORY BAIL APPLICATION NO.357 OF 2023

1. Syed Nazir Syed Nannesab,
2. Shabbirkhan Yasirkhan,
3. Syed Salman Syed Yisa,
4. Syed Naseer Syed Ahmad. ...Applicants

VERSUS

The State of Maharashtra ...Respondent

...
Advocate for Applicants : Mr.Gangakhedkar Shailendra S.
APP for Respondent-State : Mr.N.T.Bhagat
...

CORAM : R. G. AVACHAT, J.

DATE : 29.03.2023.

PER COURT :

1. Heard. The First Information Report (for short "F.I.R.") has been lodged by the Circle Officer. It is his case that he along with the Tahsildar and some other Revenue Officers had been to the Manjara river at 11.00 p.m. on 28.01.2023 to find out whether there was unauthorized excavation of sand.

He noticed that there were four tractors attached with trolleys containing sand in the river bed. One tractor attached with loader was also there. On inquiry with the tractor drivers it was revealed that the tractors were belonging to the present applicants.

2. The learned APP informed that the applicants were present at the site. It further appears that the sand was unloaded then and there and the applicants started with their tractors. While they were on their way, a mob of 10 to 15 unknown persons appeared and claimed that the tractors were belonging to them. Such act of those persons said to have caused obstruction to the informant and other Revenue Officials in discharging their duty. The identity of those 10 to 15 persons is not disclosed. Taking advantage of the same, the applicants fled away with the tractors. The learned APP would submit that some of the applicants have criminal antecedents. The tractors have not been surrendered by the applicants when the applicants have been called upon by the Investigating Officer. The applicants and others did not obey the directions of the Investigating Officer. The tractors are yet to be seized. He, therefore, prayed for rejection of the application.

3. This Court, considering the averments in the F.I.R., has protected the applicants vide order dated 15.03.2023. The criminal antecedents of some of the applicants dates back to the year 2017 to year 2019. Admittedly, the sand that was alleged to have been unauthorizedly excavated was unloaded then and there. It does not appear reason when number of Revenue Officers were present, how the applicants could have fled away with the tractors. Some Police Officers were also present there.

4. The record indicates that there were not less than 4 to 5 Revenue Officers. They were joined by the Police Officials. It is surprising that in the presence of the Police Officials, how the applicants could flee away with the tractors. The officers shall blame themselves. Suffice it to say that, it is a fit case to grant anticipatory bail.

5. In view of the above, the order granting interim protection dated 15.03.2023 is hereby made absolute on conditions that the applicants shall appear before the Investigating Officer on every alternate day, till one month and co-operate with the investigation.

6. The application stands allowed and disposed of accordingly.

(R. G. AVACHAT)
JUDGE

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