

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

ANTICIPATORY BAIL APPLICATION NO.755 OF 2023

BALASAHEB DATTARAO LANDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. S. Jangada
APP for Respondents: Mrs. G. L. Deshpande

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CORAM : R.M. JOSHI, J

DATE : AUGUST 29, 2023

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 57 of 2023 registered with Kotwali Police Station, Dist. Parbhani for the offences punishable under Sections 34 and 379 of the Indian Penal Code.

2. Perusal of the FIR indicates that the vehicle belongs to the Applicant was intercepted by the informant and other police personnel. It was found that sand was transported therein without permit. Vehicle with sand was seized. Offence came to be registered against Applicant as well as driver of the vehicle.

3. Learned Counsel for the Applicant states that vehicle as well as and which theft allegedly committed is already seized by the police, hence, nothing is to

be recovered at his instance.

4. Learned APP opposed the application by submitting that the Applicant is involved in number of similar offences. She also pointed out that two vehicles of the Applicants are already seized in connection with such crime and in spite of the same, he has continued to commit similar offences.

5. Even accepting the contention of learned APP is that Applicant is involved in similar offences, the question before this Court as to whether in the instant case, custodial interrogation of the Applicant would be necessary. Once it is admitted position that the vehicle as well as sand which was allegedly stolen is already seized, the custodial interrogation of the Applicant would be of no consequence. There is nothing on record to indicate as to the purpose for which his custodial interrogation is necessary. Needless to say that Applicant cannot be kept behind bar by way of pre-trial sentence.

6. In such circumstances, the application stands allowed by confirming order dated 11th May, 2023. Having

regard to the number of offenses registered against Applicant, Applicant is directed to attend concerned police station once in a week till filing of the charge-sheet.

(R.M. JOSHI, J.)

Malani