

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

ANTICIPATORY BAIL APPLICATION NO.859 OF 2023

**GANPAT BALAJI HAMBARDE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. V. V. Bhavthankar, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 28th JUNE, 2023

P.C. :-

1. Applicant apprehend arrest in connection with CR No. 67/2023 registered with Dharmabad police station, Dist. Jalna for the offence punishable under Section 379 read with 34 of IPC.
2. First Information report shows that the one tipper was intercepted by the informant and in spite of the said call the driver did not stop the vehicle. The said vehicle was followed and taken in custody. An enquiry was made to the driver of the vehicle about the permit for carrying sand in the said vehicle. He replied in negative. It is alleged that at that time the driver fled from the spot and hence vehicle was seized.
3. Learned counsel for the applicant states that though applicant is owner of the said vehicle, his custodial interrogation is not

necessary as the vehicle in question is already seized.

4. Learned APP opposed the application by submitting that being owner of the vehicle containing the sand which was transported without permit, appropriate investigation needs to be done in the matter.

5. This is not a case wherein the applicant apprehends arrest on the basis of statement of the co-accused as it is often seen in similar cases. Admittedly applicant is owner of the vehicle in which the sand was transported. From the first information report it reveals that there was no permit for transportation of the said sand in the vehicle belonging to the applicant. Other issues such as a the place from where the sand is obtained or whether it is case of theft of the sand etc. are the matter of investigation. For the same custodial interrogation of applicant is necessary. Hence no case is made out for grant of anticipatory bail. Hence application stands dismissed.

(R. M. JOSHI, J.)

ssp