

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

**958 ANTICIPATORY BAIL APPLICATION NO.983 OF 2023**

SAMIR SHAIKH MANSUR SHAIKH  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicant : Mr. Sudarshan J. Salunke  
APP for Respondent- State : Mr. S.P. Sonpawale  
...

**CORAM : R. M. JOSHI, J.**  
**DATE : JULY 19, 2023**

**PER COURT :**

. Applicant is apprehending arrest in connection with Crime No. 259 of 2023 registered with Georai Police Station, Tal. Georai, Dist. Beed for the offence under Section 307, 353, 379, 109 of the Indian Penal Code.

2. According to the informant on 25.05.2023 at around 03:12 a.m. when the Collector was proceeding from Aurangabad to Beed in his official vehicle, he noticed one highwa vehicle filled with sand. The said vehicle did not have registration number. The Collector has instructed concerned to stop the said vehicle. The said vehicle in spite of signal did not stop and hence the said vehicle was

being chased. At one spot driver of the said vehicle had unloaded entire sand in the middle of the road and because of that the vehicle of the Collector got stuck. Thereafter the informant ran towards the said vehicle and tried to stop the same. In spite of this the vehicle was not stopped and the informant was driven up to 3 kilometers. Thereafter, the vehicle dashed against the tree and injury was caused to the informant. As far as present applicant is concerned, he is the owner of the vehicle.

3. It is the contention of learned APP that applicant was instructing the driver of vehicle not to stop vehicle in spite of directions of the Collector.

4. It is highly improbable that the person who is not present at the spot would instruct the driver on mobile phone and on that basis he could be charged with the offence under Section 307 and 353 of the Indian Penal Code.

5. Admittedly, applicant was not present at the spot of incident. Having regard to these facts, liberty of applicant deserves to be protected. Hence the following order:

ORDER

(i) Application stands allowed in terms of interim relief dated 28.06.2023.

**[ R. M. JOSHI ]**  
**JUDGE**

GGP