

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1078 OF 2023

- | | | |
|-----------------------------------|----|------------|
| 1. Nitesh s/o. Prakash Dharpade, | | |
| 2. Ganesh s/o. Ranganath Gaikwad, | | |
| Both Age 23 years, Occu. Labour, | | |
| R/o. Nathra, Taluka Pathri, | | |
| District Parbhani | .. | Applicants |
| Versus | | |
| The State of Maharashtra | .. | Respondent |

AND

BAIL APPLICATION NO.1087 OF 2023

- | | | |
|---------------------------------|----|------------|
| Shaikh Taher s/o. Shaikh Jalil, | | |
| Age 32 years, Occu. Labour, | | |
| R/o. Nathra, Taluka Pathri, | | |
| District Parbhani | .. | Applicant |
| Versus | | |
| The State of Maharashtra | .. | Respondent |

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Advocate for Applicants : Mr. Mahesh S. Bhosale
 APP for Respondent/State : Mr. S. B. Narwade

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CORAM : S. G. MEHARE, J.
DATE : 12-07-2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent/State.
2. The applicants are seeking bail in C.R.No.229 of 2023 registered with Police Station Pathari, District Parbhani, for the offence punishable under Sections 143, 147, 149, 336, 353, 379, 427 of the Indian Penal Code and Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966.
3. It is a case of stealing sand from the river. A tractor was carrying sand. Therefore, the first informant asked the tractor

driver to stop the tractor, but he didn't. Thereafter, the said tractor was turtled and the driver fled away. Simultaneously, there was stone pelting. Applicant No.2 Ganesh Gaikwad had an agreement about the said tractor with its registered owner.

4. Perusal of the papers reveal that the so-called tractor has been recovered. Applicant Shaikh Taher/ driver of the tractor was also arrested. Nothing appears to be investigated from the applicants. Hence, detention of the applicants may not be fruitful. They deserve bail on certain conditions. Hence, the order:-

- i) Bail applications are allowed.
- ii) Applicants Nos. (1) Nitesh s/o. Prakash Dharpade and (2) Ganesh s/o. Ranganath Gaikwad, in BA/1078/2023 and applicant Shaikh Taher s/o. Shaikh Jalil in BA/1087/2023 be released on bail, on furnishing PB and SB of Rs.50,000/- each, with one solvent surety of the like amount, in C.R.No.229 of 2023 registered with Police Station Pathari, District Parbhani, for the offence punishable under Sections 143, 147, 149, 336, 353, 379, 427 of the Indian Penal Code and Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966, on the conditions that,
 - (a) They shall not threat the witnesses.
 - (b) They shall not involve in the similar crime.
 - (c) They shall attend the police station as and when called by the Investigating Officer on written notice, till conclusion of the trial.

**(S. G. MEHARE)
JUDGE**