

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1054 OF 2023

Bibhishan Bansi Abuj

Applicant

Versus

The State of Maharashtra

Respondent

Ms. P. C. Kale, Advocate holding for Mr. S. S. Kulkarni, Advocate for the applicant.

Mrs. G. L. Deshpande, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 27th OCTOBER, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 110/2023 registered with Pimpalner Police Station, Tq. & Dist. Beed for the offences punishable under Section 379 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant states that though there is reference in the First Information Report about the present applicant being owner of JCB which was allegedly used for extracting the sand unauthorisedly, she drew attention of this Court to the certificate issued by the Government Contractor which indicates that

the JCB owned by the present applicant was given on rent for a period from 05.04.2023 to 04.08.2023.

3. Learned APP opposed the application by contending that the offence is of illegal extraction of sand.

4. Though the applicant is named in First Information Report to be owner of JCB, registration number of JCB is not mentioned therein. There is material on record to indicate that JCB owned by applicant was hired by contractor for Government work during relevant time. This Court, therefore, finds substance in the contention of learned counsel for applicant that prima facie there is no evidence to connect him with crime. Hence, application is allowed in terms of interim order.

(R. M. JOSHI)
Judge

dyb