



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.374 OF 2023

Sheikh Shahrukh s/o Sheikh Nizam

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Mahagaon,
Dist. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. H. Bewali, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/08/2023

1. By this application, the applicant is seeking anticipatory bail in the event of his arrest in Crime No.202/2023 registered with Police Station, Mahagaon District Yavatmal for the offences punishable under Sections 186, 188, 353, 379, 504 read with Section 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police. As the crime is registered on the basis of report lodged by Ram Anandrao Pandit on an allegation that he is serving as a Circle Officer at Phulsawangi. On 12.04.2023 at about 12.30 p.m., he has directed his co-employee serving as a Kotwal to verify and ascertain regarding illegal transportation of sand. At the relevant time, he observed that one Raju Poulkar was carrying sand from the bank of Painganga River by excavating the same from Phulsawangi to Bandhar of the said region.

There were 4-5 persons along with said Raju Poulkar. Immediately, action was taken by the said Kotwal and driver has also signed on the said panchnama. It is further alleged that when applicant came there and he dragged the said Kotwal by the said tractor and attempted to kill by driving the said tractor on the person of the said Kotwal. On the basis of the report, police have registered the crime against the present applicant.

3. The said application is strongly opposed by the State on the ground that the allegations against the present applicant is of serious in nature. He has not only assisted to transport the sand illegally but he has also attempted to assault the public servant who was discharging his duty. In view of that, custodial interrogation of the present applicant is required. There are criminal antecedents against him and prays for rejection of the application.

4. Having heard learned Counsel for the applicant and after going through the investigation papers, it reveals that the tractor is already seized and the sand is also seized. As far as the allegations against the present applicant is concerned, nothing is to be recovered from him. The part of investigation is carried out. As the present applicant was released on ad-interim anticipatory bail and directed to attend the police station, accordingly, he complied with the order. Considering the same, the custodial interrogation of the present applicant is not required. In view of that, the interim protection

granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant **Sheikh Shahrukh s/o Sheikh Nizam** be released on anticipatory bail in Crime No.202/2023 registered with Police Station Mahagaon, District Yavatmal for the offences punishable under Sections 186, 188, 353, 379 and 504 read with Section 34 of the Indian Penal Code, on executing his PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station as and when required for investigation purpose.

(iv) The applicant shall furnish his cell phone number and address with the address proof, before the Investigating Officer.

(v) The applicant shall not induce, threat or promise any witnesses who are connected with the alleged crime.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)