

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

CRIMINAL APPLICATION (ABA) NO.392/2023

Praful s/o Shravanji Barai
Vs.
State of Maharashtra

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

Court's or Judge's orders

Mr. P.R.Agrawal, Advocate for applicant.
Mr. M.J. Khan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/08/2023.

1. By this application, the applicant is seeking anticipatory bail, in the event of arrest in connection with Crime no.350/2023 registered with Police Station, Warud, District Amravati for offence punishable under Section 380 read with 34 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of the police, as accusation is made against him wherein the informant Pankaj Chavhan, who is serving as a Naib Tahsildar on duty, observed that one truck bearing registration No.MH-27-BX-6542 is transporting sand illegally. Accordingly, he restrained the said truck and drawn panchanama. Though, he has seized the vehicle but, the present applicant has taken his vehicle in his absence from his office and thereby committed offence of theft. It is alleged that present applicant has

taken the said truck by breaking open the lock of the gate of Tahsil office.

3. As per the contention of the applicant, he is having valid permit for transportation of the sand by Madhya Pradesh Government. He entered the vehicle in the State of Maharashtra and also validated the said permit but, the Naib Tahsildar illegally restrained him and drawn panchanama. The applicant further contended that after he released on ad-interim anticipatory bail, he has produced the truck as well sand. Now, his custodial interrogation is not required and protection granted to the applicant by this Court be confirmed.

4. The said application is strongly opposed by the State. Learned APP vehemently submitted that the present applicant is not only taken the vehicle, the circumstances in which the vehicle was taken is to be taken into consideration. He has broken the lock of the Tahsil office gate and thereafter took his vehicle, which is sufficient to see his conduct. As far as the production of the sand is concerned, he has not produced the sand and therefore, prays for his custodial interrogation is required. Hence, application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, who reiterated

the contention, perused the investigation papers. From the investigation papers i.e. panchanama and statement, it reveals that the accused has broke the lock to the gate and took the vehicle. Subsequently, the applicant has produced his vehicle as well as sand. There is controversy between the quantum of sand. As per the contention of the applicant, the capacity of the truck was only carry 4 brass, whereas as per the contention of the informant he was transporting 6 brass of sand. The applicant has already produced 2 brass of sand before the concerned authority. As far as the custodial interrogation of the present applicant is concerned, now the vehicle as well as 2 brass of sand are already produced. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:-

ORDER

i. In the event of arrest, applicant – Praful s/o Shravanji Barai, in connection with Crime No.350/2023 registered with Police Station, Warud, District Amravati for the offence punishable under Section 380 read with 34 of the Indian Pnal Code, be released on bail on he executing PR bond in the sum of Rs. 25,000/- with one surety in the like amount.

ii. The applicant shall appear before Investigating Officer as and when required and cooperate with the Investigating Agency.

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iii. The applicant shall furnish his cellphone number and address with the address proof.

iv. The applicant shall not induce, threaten or pressurize any witnesses, who are connected with the alleged crime.

(URMILA JOSHI-PHALKE, J.)

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Signed By: MUKUND
LAXMANRAO AMBULKAR
Private Secretary

Signing Date: 04.08.2023 18:24