

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

CRIMINAL APPLICATION (ABA) NO.421 OF 2023

Abdul Juned Abdul Anis

Vs.

The State of Maharashtra, Through Police Station Officer, Chandur Bazar Police
Station, District Amravati

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

Court's or Judge's orders

Mr. Mohd. Amin Mohd. Salim, Advocate for applicant.
Mr. S. M. Ghodeswar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/08/2023

1. The application is for grant of anticipatory bail in the event of arrest in connection with Crime No. 335/2023 registered with Police Station, Chandur Bazar for the offences punishable under Sections 279, 307, 353, 379, 504 and 506 read with Section 34 of the Indian Penal Code and Section 48(7) of Maharashtra Land Revenue Code.

2. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Narendra Pendor on an allegation that on 21.04.2023 the informant who was on patrolling duty for detecting the sand trafficking at gram thugao pimpri, the secret information was received regarding the illegal trafficking of sand in a tractor of one Duryodhan from the bank of Purna River. Immediately the informant and

his colleagues went to the spot and found that tractor with trolley was coming, the driver was asked to stop the tractor, the tractor driver attempted to flee away from the said tractor. The tractor was followed by the informant. While the applicant dropped the said sand from the tractor in front of the house of one Sk. Karim. It is further alleged that when the said tractor was restrained, the present applicant drove the tractor on the person of the informant. Due to which, the informant has sustained the injuries. Thus, the present applicant has attempted to commit offence under Section 307 of the Indian Penal Code. On the basis of the said report, police have registered the said crime against the present applicant.

3. As per the submission made on behalf of the applicant by the learned counsel for the applicant that as far as the driving of the tractor on the person of the informant is concerned, the allegation are baseless and false not supported by any material. Even the report forwarded with Talathi nowhere discloses that the present applicant has driven the tractor on the person of the informant. He further submitted that the entire case is on the baseless allegation. The custodial interrogation of the present applicant is not required. In view of that, he be released on anticipatory bail. Other accused are already released on anticipatory bail.

4. The said application is strongly opposed by the State on the ground that not only the applicant fled away from the spot but he drove the tractor on the person of the informant and attempted to cause him hurt. In view of that, the application for anticipatory bail deserves to be rejected. It is further contention of the State that now day-to-day there are increases in such types of incidents, if the offenders who are involved in such types of the crimes are protected, then there would be increase in such types of incidents. The applicant has attempted the cause hurt to the public servant who was discharging his official duty.

5. Having heard both the sides and on perusal of the investigation papers, it reveals that the allegation against the present applicant is not only that he was transporting the sand illegally, but the allegation which is supported by the statements of the various witnesses that the applicant not only transported the sand illegally in his tractor, but he has attempted to cause hurt to the informant by driving the said tractor on the person of the informant. The injury certificate is also collected during the investigation. There is no dispute regarding the submission of the learned APP that day-to-day there are increases in such type of incidents. In the present case, the public servant who was discharging the official duty restrained the applicant as he was allegedly transporting the sand illegally, instead of stopping the vehicle, the

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applicant has drove the vehicle on the person of the informant and attempted to caused him hurt. Considering the nature of the allegation, admittedly, no case is made out to protect him by granting anticipatory bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass following order.

6. The Criminal Application is rejected.

(URMILA JOSHI-PHALKE, J.)

Sarkate