



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

CRIMINAL APPLICATION [ABA] NO.462 OF 2023

Gaurav Balasaheb Sayande

.vs.

The State of Maharashtra, Through Police Station Officer, Police Station Nandgaon Peth, Tah. Distt.
Amravati

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

Court's or Judge's orders

Shri Y.P. Bhelande, Advocate for Applicant,
Shri M.J. Khan, APP for Non-Applicant-State.
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CORAM : M.W. CHANDWANI, J.

DATE : 30/08/2023.

1. The applicant is apprehending arrest in Crime No.221/2023 registered with Nandgaon-Peth Police Station, District-Amravati for offences punishable under Sections 379, 353 and 186 of the Indian Penal Code.

2. Heard the learned counsel for the applicant and the learned Additional Public Prosecutor for the non-applicant-State. Perused the record and case diary.

3. The allegation against the present applicant is that he is the owner of the tipper bearing registration no. MH-12/SF-3167. On 17.06.2023, the said tipper was carrying 7.04 brass of sand, which was intercepted by the Mandal Adhikari, in-charge of the royalty pass. The applicant was owner of the tipper. The applicant showed the royalty pass of 5 brass of sand. It is alleged that in spite of being royalty pass of 5 brass of sand, the tipper was carrying 7.04 brass of sand. However, suddenly the applicant took

away the key of the tipper and fled away from the spot and, thereafter, the said tipper was taken away by the driver. Therefore, on the complaint of Naib Tahsildar, aforesaid offence came to be registered against the applicant.

4. It is not in dispute that during the pendency of the application, the tipper has been taken to the Police Station and parked in the premises of the Police Station by the driver of the applicant. It is the contention of the learned Additional Public Prosecutor that the tipper has been left in abandoned condition by the applicant and no panchanama has been drawn.

5. Allegation against the present applicant coupled with the facts that the excess brass of sand has been taken in spite of having royalty pass of less quantity and he took away the key of tipper. Considering the nature of allegation and the fact that the tipper is already parked with the Police Station, which can be seized by directing the applicant to appear before the Investigating Officer and co-operate in the investigation, I think discretion of bail can be exercised in favour of the applicant by giving following directions. Hence, I pass the following order :

ORDER

(i) In the event of arrest, the applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five thousand) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on Saturday between 10.00 am to 12.00 noon for two weeks and

cooperate in the investigation.

(iii) The Investigating Officer shall prepare the seizure panchanama as and when the applicant appears in the Police Station and may seize the tipper, if requires.

(iv) Accordingly, the application is allowed and disposed of.

(M.W. Chandwani, J.)