



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

CRIMINAL APPLICATION (ABA) NO.726 OF 2023

(Ashish @ Viki Rajendra Harpale Vs. The State of Maharashtra thr. PSO PS Chikhli,
Tq. Chikhli, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. P. B. Patil, Advocate for Applicant.
Mr. Suraj S. Hulke, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 7th DECEMBER, 2023.

By this application, the applicant is seeking anticipatory bail in connection with Crime No.718/2023 registered with Police Station Chikhli, District Buldhana for offences punishable under sections 353 and 379 of the Indian Penal Code read with section 48(7) and 48(8) of the Maharashtra Land Revenue Code.

2. The applicant is apprehending arrest at the hands of police as accusation is made against him on the basis of report lodged by Dr. Santosh Mundhe, Naib Tahsildar, Chikhli, District Buldhana alleging that he received information from the Tahsildar and he was on patrolling duty on 14.10.2023 at about 02:40. While he was on patrolling duty, he saw an unnumbered tractor driven by Pradip Ingle. On being inquired, said Pradip Ingle disclosed the name of owner of the said tractor as 'Viki'. It is alleged

that the driver of the tractor was transporting the sand in the said tractor illegally. It is further alleged that thereafter present applicant arrived at the spot and manhandled the complainant and left the place. On the basis of the said report police have registered the crime.

3. The learned counsel for the applicant Mr. Patil, submitted that the present applicant was not at all present at the spot of incidence. In view of the order of this Court notice under section 41-A of the Code of Criminal Procedure was issued to the applicant and he was co-operated with the Investigating Officer. He further submitted that as custodial interrogation of the present applicant is not required as investigation is practically completed. He further submitted that as per the allegation in the FIR the present applicant arrived at the spot in a Santro Car which was also seized.

4. Per contra the learned APP has strongly opposed the application on the ground that though the applicant has co-operated with the Investigating Agency but custodial interrogation of the present applicant is required and prays for rejection of the application.

5. Having heard the learned counsel for the applicant. Perused the investigation papers as far as the custodial interrogation of the present applicant is concerned the Santro Car is already seized. The reply filed by the State also shows that the applicant has co-operated with the

Investigating Agency. The offences alleged are not punishable with imprisonment more than seven years, the custodial interrogation and arrest of the present applicant is not required. In view of that application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] The applicant is released on anticipatory bail in the event of his arrest in connection with Crime No.718/2023 for the offences punishable under sections 353 and 379 of the Indian Penal Code and section 48(7) and 48(8) of the Maharashtra Land Revenue Code, registered with Police Station Chikhli, District Buldhana, on execution of 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 the investigation purpose.
- [iv] The applicant shall furnish his cell phone number and address with the address proof.

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

6. The application is disposed of.

JUDGE

NSN