



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

CRIMINAL APPLICATION (ABA) NO.745 OF 2023

Chandrakant s/o Gajanan Surose

Vs.

State of Maharashtra, Through its Police Station Officer, Police Station, Dattapur,
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. Tejas S. Deshpande, Advocate for applicant.

Mrs. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 21/12/2023

1. By this application, the applicant is seeking anticipatory bail in the event of his arrest in connection with Crime No.549/2023 registered at Police Station Dattapur, Tahsil Dhamangaon Railway, District Amravati for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submitted that as per the allegations in the First Information Report, the truck bearing registration No.MH-40-Y-8758 was found involved in illegal transportation of sand after excavation. The truck was found at Mouza Usalgavan, Tahsil Dhamangaon Railway, District Amravati. It was restrained by the Naib Tahsildar posted at Dhamangaon Railway and he found 3 brass illegally excavated sand being transported costing about Rs.24,000/-.

Accordingly, he seized the truck brought to the Tahsil office at Dhamangaon Railway on 11.10.2023. As per the allegation on 12.10.2023 at about 3.30 to 4.00 p.m., the present applicant who is the owner of the truck found transporting the sand illegally and stolen the truck from the premises of the Tahsil office. On the basis of said report, crime is registered against the present applicant. He submitted that as far as the allegation of theft is concerned, the applicant is the owner of the truck and there is no material to show that he has taken the said truck from the Tahsil office. In fact, it was kept in front of Tahsil office and gate of the Tahsil office was locked. He further submitted that after the interim protection was granted to the present applicant, he has cooperated with the investigating agency and his further custody is not required.

3. Learned APP strongly opposed the application on the ground that the applicant has not cooperated the investigating agency. Investigating Officer has recorded the relevant statements and it reveals that the applicant has also change the colour of the truck and tamper with the evidence and prays for rejection of the application.

4. Having heard the learned Counsel for the applicant and learned APP for the State. Perused the investigation papers. It reveals that the truck was kept in parking condition in front of the Tahsil office. The spot

panchanam further shows that the gate of the Tahsil office were locked. As far as the removal of the truck from the said place is concerned, no material is collected during the investigation. Moreover, as per the order passed by this Court, the applicant has attended the Police Station and cooperated the investigating agency. Considering the same, 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) The applicant **Chandrakant s/o Gajanan Surose** in the event of arrest in Crime No.549/2023 registered at Police Station, Dattapur, Tahsil Dhamgaon Railway, District Amravati for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned Police Station on every Saturday between 10.00 a.m. and 1.00 p.m. for the investigation purpose and shall cooperate with the investigation agency.
- (iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

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facts of the case and shall not tamper the
prosecution evidence.

(URMILA JOSHI-PHALKE, J.)

Sarkate