



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 ANTICIPATORY BAIL APPLICATION NO. 60 OF 2024

Sanjay Hanmantrao Patil

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Vivekanand V. Gujar

APP for Respondents: Ms. V.S. Chaudhari

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CORAM : SHIVKUMAR DIGE, J.
DATED : 8th JULY, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.265 of 2023 registered with Dharmabad Police Station, district Nanded, for the offence punishable under sections 279, 379 and 427 of I.P.C.

2. It is the prosecution's case that on 04.04.2022, the applicant had committed theft of sand and he was carrying it in the tipper. While the tipper caused damage to the house of one Mhadabai, the issue was raised in the Assembly and as per the directions given by the concerned authorities, the offence is registered against the applicant under the above referred sections.

3. It is the contention of the learned counsel for the applicant that

the incident is occurred on 4.4.2022 whereas the offence is registered on 25.10.2023 i.e. after one and half year of the incident. Learned counsel further submitted that the lady, whose house is damaged, had filed an application before the police that she has received compensation. Learned counsel further submitted that the custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is the contention of the learned APP that applicant used to store the sand. He was carrying it in the vehicle. While carrying the said sand, he gave a dash to the house of one lady and damaged her house. There is prima facie case against the applicant. The custodial interrogation of the applicant is required. Hence she requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. There is delay of one and half years in lodging the F.I.R. Moreover, the lady whose house was damaged had filed an application before the trial court, that she has received the compensation. Considering the allegations against the applicant, his custodial interrogation is not required. Hence I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 16.01.2024 stands confirmed on the same terms and conditions with following modification:-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

(SHIVKUMAR DIGE, J.)

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