



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 68 OF 2024

Ajay Shivprasad Kanthe

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. A.B. Kadethankar., Advocate for Applicant.

Mr. S.V. Hange, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th MARCH, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 770 of 2023, registered with Vivekanand Chowk Police Station, Latur, for offences punishable under sections 379, 279, 353, 504, 506 r/w. 34 of Indian Penal Code and under section 48(7), 48(8) of Maharashtra Land Revenue Code and under section 184 of Motor Vehicles Act.

2. FIR is lodged by Ramrao Zade, Circle Officer, Latur, in short alleging that on receipt of secret information that vehicle No. MH-46-BB-8960 was unauthorisedly transporting sand, he tried to chase said vehicle on Garud Chowk to Siddheshwar Chowk Road. At that time, applicant and another person abused the raiding squad and threatened to kill them. When they tried to obstruct vehicle, applicant obstructed them and took away

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five brass sand loaded in the truck.

3. Heard learned advocate for applicants and learned APP for respondent-State. Perused the investigation papers.

4. Perusal of investigation papers show that Hyva truck containing sand is already seized. Statements of witnesses are recorded. From the statements of witnesses and FIR it appears that there was verbal altercation between applicant and public servant including informant when the Hyva truck owned by applicant was intercepted. *Prima facie*, ingredients of section 353 of IPC are not attracted to the facts of the present case. The offence has taken place on 23.12.2024 and crime is registered on 24.12.2024. Investigation appears to be almost complete. Nothing is to be recovered from applicant, hence, pre-trial custodial detention of applicant is not necessary.

5. In the result, application is allowed by confirming interim protection order dated 18th January, 2024.

6. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by investigating officer and shall not indulge in similar offences.

[NITIN B. SURYAWANSHI, J.]

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