



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

909 ANTICIPATORY BAIL APPLICATION NO. 634 OF 2024

Namdev Rushidhar Chavan

VERSUS

The Superintendent Of Police And Another

...
Advocate for Applicant : Mr. Patil Dhananjay Shrikant
APP for Respondents-State : Mr. S. A. Gaikwad
...

CORAM : R. M. JOSHI, J.

Dated : August 02, 2024

PER COURT :-

1. This application is filed by applicant who is apprehending his arrest in connection with Crime No.103/2024, registered with Karmad Police Station, District Aurangabad for the offence punishable under Section 370, 109 of Indian penal Code.
2. It is alleged by the informant that at about 3.45 a.m. on 27/03/2024 information was received about theft of sand from the river bed. Two tractors were found. It is stated that driver of the tractor unloaded the sand from their vehicles on road. It is alleged that the applicant is the owner of the said tractor. On the basis of these allegations, offence came to be registered against him.
3. Learned Counsel for applicant submits that pursuant to the order passed by this Court, the applicant has co-operated into investigation and the tractor and the trolley which was allegedly involved in this crime is already seized. Thus, it is his contention that custodial interrogation of the applicant is not necessary.

4. Learned APP opposed the application by pointing out that the applicant did not appear before the Investigating officer pursuant to interim order passed by this Court on 15th May, 2024. It is his further submission that having regard to the fact that the tractor and trolley were seized at the instance of the present applicant, his involvement in the crime is seen.

5. At this stage, the Court is required to see as to whether custodial interrogation of the applicant is necessary for further investigation. In any event, no person can be kept behind bar by way of pre-trial sentence.

6. It is pertinent to note that as per the first information report itself the sand which was allegedly stolen was unloaded by the driver of the tractor on road. Having regard to the aforestated facts, this is a fit case to confirm the interim order. Hence, the application is allowed by confirmation of the interim order.

(R. M. JOSHI, J.)

vj gawade/-.