



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1947 OF 2023

Kedar Sanjay Khoche

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. S.S. Khoche, Advocate for applicant.

Mr. S.B. Jadhav, APP for respondent.

.....
[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 23rd FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in C.R. No. 347 of 2023, registered with Waluj Police Station, Dist. Aurangabad, for offences punishable under sections 353, 379 r/w. 34 of the Indian Penal Code, under section 21(1), 21(2) of Mines and Minerals Act, 1957 and under section 48(7) of Maharashtra Land Revenue Code, 1966.

2. FIR is lodged by Sainath Gawli, Talathi, alleging that on 09.10.2023 at about 12.00 hours one yellow colour Ashok Leyland without number truck found transporting unauthorized sand. Informant inspected said truck and found two brass sand in the said truck. On inquiry, driver of vehicle fails to show any permit. He accordingly informed the same to Tahsildar. At that

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time, one person came and told that he is owner of said truck and he deposited fine amount with Tahsildar. Thereafter, he caught hold informant and asked the driver to run away with truck. Accordingly, driver ran away from the spot with truck. He obtained photographs of that person and shown to villagers. He came to know his name as Kedar Khoche. He after getting the order from Tahsildar on 16.10.2023 lodged the report.

3. Heard learned advocate for applicant and learned APP for respondent. Perused the investigation papers.

4. It appears from the investigation papers that applicant has used criminal force against public servant who was discharging his duty. Applicant after getting interim protection has not co-operated in the investigation. One more offence is registered against applicant at Waluj Police Station at C.R. No. 47/2023, for offence punishable under section 160 of IPC. Applicant has helped driver to run away from the spot with vehicle involved in the crime by using criminal force against public servant. Considering these facts, applicant does not deserve discretionary relief of anticipatory bail. Application is therefore rejected.

[NITIN B. SURYAWANSHI, J.]