



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2071 OF 2023

1. Amol Ramesh Belhekar
2. Rahul Manik Tamnar ... Applicants

VERSUS

The State Of Maharashtra ... Respondent

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Mr. Rahul R. Karpe, Advocate for Applicants
Mr. S.R. Yadav Loninkar, APP for Respondent – State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st MARCH, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 1295 of 2023 registered with Rahuri Police Station, District-Ahmednagar for offences punishable under sections 341, 506, 327 read with section 34 of the Indian Penal Code.

2. FIR is lodged by Shamir Hasan Sayyad alleging that he is driver attached to Hyva Truck No.MH-46-AR-1396, which is doing delivery of sand from authorized sand depot of Government. On 18.11.2023 at about 10.00 a.m. when he was driving above stated truck loaded with sand toward sand depot, near about half km. prior to it, applicants intercepted his truck by putting their car and motorcycle across it and

asked him why he has been taking it to the sand depot and further asked him not to take the vehicle to sand depot, and if he would go there, they will see him. They did not allow him to go there. He further alleged that accused had taken away his cellphone from that truck by putting him under threats. Thus, they extorted his cellphone.

3. Heard learned advocate for the applicant, learned APP for respondent-State and learned advocate for Informant. Perused the Investigation papers.

4. It is the case of applicants that they are members of Village Panchayat Digras, Taluka-Rahuri. On 18.11.2023, villagers including applicant No.1 Amol Belhekar complained to Tahasildar, Rahuri that the Hyva of informant was carrying excess sand and due to the excess weight. The village roads are being damaged. He, therefore, requested to take action against informant. On 20.11.2023, applicant no.1 made a complaint to the Superintendent of Police, District Collector and Deputy Superintendent of Police, Anti Corruption, Ahmednagar, stating that on 18.11.2023, applicant no.1 and villagers intercepted informant's Hyva No.MH-46-AR-1396, which was overloaded and illegally transporting sand. The said vehicle was taken to *Kurshi Utpana Bazar Samiti* at about

12.00 noon to 12.15 noon for weighing and after that the vehicle was given in the custody of Tahasildar, Rahuri. Acknowledgment of the same is given by Tahasildar and Circle Officer and Talathi. The said practice recorded in the CCTV cameras of Tahasil Office and Rahuri Police Station. The driver of the said vehicle has called the owner from the police station on the same day. Even that fact is recorded in the CCTV camera. In spite of that, the driver has falsely alleged against applicants that his mobile was taken away by applicants.

5. *Prima facie*, there appears substance in the contention of applicant that accused have intercepted the vehicle of informant. They are falsely implicated in the crime. In supplementary statement, driver has mentioned that applicant no.1 has returned the cellphone taken away from him in the evening of the incident.

6. Considering the backdrop of aforesaid facts, false implication of applicants cannot be ruled out at this stage. Nothing is to be recovered from applicants, hence, their pre-trial custodial detention is not necessary.

7. Application is therefore allowed by confirming interim protection granted to applicant on 18.12.2023.

7. Till filing of the charge-sheet, applicants shall attend the concerned police station as and when called by the Investigating Officer. Applicants shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE