



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

ANTICIPATORY BAIL APPLICATION NO.2195 OF 2024

Ashok @ Balu s/o Udhavrao Ghuge
VERSUS
The State of Maharashtra and another

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Mr Ashish T. Jadhavar, Advocate for applicant
Mr S. S. Dande, A.P.P. for respondents/State

**CORAM : PRAFULLA S. KHUBALKAR, J.
(Vacation Court)**

Date : 27th December, 2024

ORDER :-

1. Heard learned Advocate Mr Jadhavar for applicant and learned A.G.P. for respondents/State.

2 This is an application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail. The first information report is dated 07/12/2024. The learned Advocate for the applicant submits that the applicant is the owner of a vehicle viz. Hyva Truck, which was being used for carrying sand. The vehicle was intersected by the police officials and persons who were driving the vehicle had some interaction with the police officials and they tried to

(2)

explain that there was valid permit for carrying sand. It is the contention of the applicant there was a valid permit to carry sand and only because of some heated exchange of words with the senior police officials, the offence came to be registered against him. It is further submitted that the other two co-accused persons are already released on regular bail. The vehicle is also seized and the document of permit is already deposited with the investigating agency.

3. The learned A.P.P. opposes the request for grant of ad interim bail by pointing out that the actual role of the present applicant will have to be ascertained during investigation and there is a dispute about validity of the licence.

4. In view of the fact that the applicant was not personally present on the spot at the time of alleged incident and in view of the general allegations as stated in the first information report, I am of the view that the applicant deserves interim protection. Hence, the following order :-

ORDER

(a) Issue notice to the respondents, returnable on 17/01/2025.

The learned A.P.P. waives service of notice on behalf of both the respondents.

(3)

(b) In the meantime, in the event of arrest of the applicant in Crime No.0272/2024, registered on 07/12/2024 with the Bori Police Station, Dist. Parbhani, for offences punishable under Sections 132, 303(2), 318(4), 3(5) of the Bhartiya Nyay Sanhita, 2023 and under Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, he shall be released on bail on executing P.B. and S.B. of Rs.15,000/- (Rs. Fifteen Thousand) with one solvent surety in the like amount.

(c) The applicant shall attend the concerned police station as and when directed by the investigating agency.

(d) The applicant shall not tamper with the prosecution witnesses and shall co-operate with the investigating agency.

(PRAFULLA S. KHUBALKAR, J.)

sjk