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

ANTICIPATORY BAIL APPLICATION NO.2196 OF 2024

Gopal s/o Shivappa Vindhe
VERSUS
The State of Maharashtra and another

....

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 the 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 a Hyva truck was intersected by police and persons who were driving the vehicle had some interaction with the

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police officials and they tried to explain that there was valid permit. The learned Advocate for the applicant submits that this applicant has not played any role in the alleged offence and only because he was present in the Scorpio car which reached on the spot, his name has been implicated in the crime as an accused. It is the contention of the applicant that there was a valid permit to carry sand and only because of some heated exchange of words of the senior police officials with the driver and other persons, the offence came to be registered. It is further submitted that the other two co-accused persons are already released on regular bail. The vehicle is also seized and the documents of permit is already deposited with the investigating agency.

3. The learned A.G.P. opposes the request for grant of ad interim bail and submits that the actual role of the present applicant will have to be ascertained during investigation, which is in progress.

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 :-

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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.

(b) Till the next date, 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 called upon 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.)