



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.116 OF 2024
(Saket Ajabrao Dambhare Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.V. Sirpurkar, Advocate for the applicant.
Mr. U.R. Phasate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 11, 2024.

By this application, the applicant is seeking pre-arrest bail. The applicant is apprehending arrest at the hands of police in connection with Crime No.06/2024 registered with Police Station Wadner, Tahsil Hinganghat, District Wardha for the offence punishable under Sections 379 read with Section 34 of the Indian Penal Code and Sections 181 and 3(1) of the Motor Vehicles Act, 1988.

2. The accusation against the present applicant is on the basis of report lodged by Assistant Police Inspector namely Sanjay Ramhit Mishra alleging that he received the secret information that the present applicant who is the owner of Tractor bearing No.MH-32-AS-5260 along with his employees were transporting the sand illegally from the Wana river Nandra Ghat. He intercepted the said tractor and seized the sand however, the present applicant fled away from the spot of incident when the tractor was inspected.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned his name is not mentioned in the FIR. Moreover, now the tractor is already seized and sand is also seized, custodial interrogation of the present applicant is not required.

4. Learned Additional Public Prosecutor strongly opposed the application and submitted that there are criminal antecedents against the present applicant. The allegation is not only that he fled away from the spot of incident but the vehicle was also taken by the employees of the present applicant. Considering the same, the investigation which is in progress the custody of the applicant is required.

5. Having heard learned Counsel for the parties. Mere criminal antecedents is not sufficient to curtail the liberty of the present applicant. At this stage, the custodial interrogation of the present applicant is not required as the incriminating articles are already seized. In view of that, the interim protection granted to the applicant deserves to be confirmed. Accordingly, I proceed to pass the following order :

(i) In the event of arrest, the applicant – Saket Ajabrao Dambhare in connection with Crime No.06/2024 registered with Police Station Wadner, Tahsil Hinganghat, District Wardha for the offence punishable under

Sections 379 read with Section 34 of the Indian Penal Code and Sections 181 and 3(1) of the Motor Vehicles Act, 1988, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(ii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*