



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

CRIMINAL APPLICATION (ABA) NO.126 OF 2024

(Nilesh s/o Remaji Bhandekar and another Vs. State of Maharashtra thr. its PSO PS
Gadchiroli, Dist. Gadchiroli)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. T. H. Bewali, Advocate for Applicants.
Mr. N. B. Jawade, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 2nd APRIL, 2024.

Apprehending the arrest at the hands of police both the applicants preferred this application for grant of pre-arrest bail in connection with Crime No.34/2024 registered with Police Station Gadchiroli for the offence punishable under Section 379 of the Indian Penal Code.

2. The accusation against the present applicants are on the basis of report lodged by the Mining Officer. On 11.01.2024 the Mining Officer, Gadchiroli has verified the vehicle number MH-33 AC-5175 and also verified the electronic transit pass and found that there is some discrepancy in the transit pass and after verifying it reveals to him that the transit pass was valid till 05.01.2024 hence, he has prepared the seizure memo and vehicle was seized and handed over to the Tehsil office. On 12.01.2024 at 12:30 p.m. when the Tahsildar has conducted supervision and at that time, it reveals to him that vehicle is not at place

where it was parked and therefore, he lodged the report that the driver has committed the theft of the said vehicle.

3. The learned counsel for the applicant submitted that as far as the vehicle number which is mentioned in the FIR is concerned which is owned by one Parasannakumar and it is Maruti car and not a tractor. He further submitted that as far as the scoring in the transit pass is concerned no material is available with the Investigating Officer to show the connection of the present applicants with the alleged offence.

4. The learned APP strongly opposed the said application on the ground that during investigation the transit pass was seized from which it reveals that there is a scoring and alterations in the transit pass. The custodial interrogation of the applicants are required and prays for rejection of the application.

5. After hearing the learned counsel for the applicants and during investigation it revealed that in each and every document the vehicle number MH-33 AC-5175 is mentioned. As per the RTO particulars, said number is of Maruti car owned by Parasannakumar. The documents which are filed on record by the applicants are also collected by the Investigating Officer during the investigation. The statement of Mining Officer is also mentioned that number of vehicle is MH-33 AC-5175

belongs to the present applicants which is a tractor. The transit pass shows the number of the vehicle as MH-33 AC-5575. The other investigation paper also shows that the vehicle to which the transit pass is issued is MH-33 F-5174. Thus, after going through the investigation papers the connection of the vehicle of the present applicants nowhere reveals. Considering the same interim protection was granted to the present applicants. During investigation no material is collected by the Investigating Officer to show the connection of the present applicants with the alleged offence. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order:

- i) The application is allowed.
 - ii) The interim protection granted to the present applicants are confirmed on the similar conditions imposed by this Court.
6. The application is disposed of.

JUDGE