



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

CRIMINAL APPLICATION (ABA) NO.268 OF 2024

Amar s/o Laxmanrao Kale

Vs.

State of Maharashtra, Through its Police Inspector Police Station, Deoli
District Wardha

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

Court's or Judge's orders

Mr. S. W. Sambre, Advocate for applicant.

Mr. M. J. Khan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 11/07/2024

1. Apprehending the arrest at the hands of the Police in connection with Crime No.345/2024 registered with Police Station Deoli, District Wardha for the offence punishable under Sections 379, 420, 120-B of the Indian Penal Code, 1860, Section 48(8) of the Maharashtra Land Revenue Code, 1966, and Sections 3(1), 181, 130, 177 of the Motor Vehicles Act, 1988, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel Mr. Sambre for the applicant submitted that on 29/03/2024, the complainant was on patrolling duty and intercepted the truck which was standing in front of Chana Takli Sonegaon (Bai) Sand Depot No.4. He submitted that the applicant is the owner of the Truck No. MH-31-M-7553 and the contractor has engaged his

truck for transporting the sand. As far as the excavating of the sand illegally is concerned, the applicant is not involved, he has only engaged his truck with the contractor and therefore, his truck was caught on the spot. As far as the custodial interrogation is concerned, which is not required as the truck is already seized and also released on the bond. Therefore, ad-interim protection granted to the present applicant deserves to be confirmed.

3. Learned APP strongly opposed the said application on the ground that several vehicles were intercepted by the complainant and other patrolling party members. During the investigation, it reveals from the statements of the various witnesses, the involvement of the present applicant in the alleged offence. In view of that, the application deserves to be rejected.

4. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that sand as well as the truck both were already seized by the investigating agency. The truck is also released on bond. As far as the purpose of custodial interrogation is concerned, which is already over, in view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly I proceed to pass following order:

(i)_ The ad-interim protection granted to the present applicant by order dated 17.04.2024 is confirmed on condition that the applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(ii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)