



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

CRIMINAL APPLICATION (ABA) NO. 318 OF 2024

Abhishek s/o Ramesh Rao Dhawale V/s 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

Ms. A.M.Telange, counsel for the applicant.

Mr. A.G.Mate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/06/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 345/2024 registered with Police Station Deoli, District Wardha for the offences 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. The crime is registered on the basis of report lodged by one Naresh Mahadeorao Gawande, on an allegation that when he was on patrolling duty, he received secret information that some people are excavating the sand illegally. Therefore, he immediately, with the other patrolling party members, reached the spot and found that there were in all 21 persons excavating the sand illegally without any permit. Immediately, the vehicles were seized, and the sand,

alongwith vehicles worth of Rs. 2, 25,11,800/- were taken into custody. On the basis of report, the crime is registered.

3. The learned counsel for the applicant submitted that, as far as the present applicant is concerned, he is implicated merely on suspicion; he was not at all present at the spot of the incident. Even considering the allegation as it is, now the vehicle is already seized, the sand is already recovered, the investigation is practically completed, and the statements of the witnesses are already recorded, in view of that, the custodial interrogation of the present applicant is not required.

4. The learned APP, though strongly opposed the said application and admitted that relevant statements of the witnesses are recorded, the vehicles are also seized, and the property of sand is also in the possession of the investigating agency.

5. Considering the fact that the investigation is practically completed, nothing is to be seized from the present applicant; therefore, custodial interrogation of the applicant is not required. In view of that, he can be protected by granting anticipatory. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of arrest, in connection with Crime No. 345/2024 registered with Police Station Deoli, District Wardha for the offences

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- Abhishek s/o Rameshrao Dhawale, shall be released on anticipatory bail on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant shall not indulge himself in such type of criminal activities.
- f] The contravention of any of the condition imposed will lead to the cancellation of the bail.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]