



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

CRIMINAL APPLICATION (ABA) NO.334 OF 2024

(Ashok s/o Niranjan Nagrale 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. A.R. Pande, Advocate for the applicant.
Mr. G. Umale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 12, 2024.

Heard.

2. 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.280/2024 registered with Police Station Kanhan, District Nagpur for the offences punishable under Sections 109, 379 read with Section 34 of the Indian Penal Code, Sections 48(7), 48(8) of the Maharashtra Land Revenue Code, 1966, Sections 4, 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of the Prevention of Damage to Public Property Act, 1984, the applicant approached this Court for grant of pre-arrest bail.

3. The applicant is the owner of the truck and as per the allegation without having any royalty he excavated the sand and transported it in a vehicle i.e. Tipper bearing registration No.MH-31-FC-6000. The said tipper was intercepted by the public officers while

discharging the duty and during investigation it revealed that the present applicant has transported the said sand without having any permit or the royalty in his name. On the basis of same, police have registered the crime.

4. Learned Counsel for the applicant submitted that the custodial interrogation of the present applicant is not required. He is ready to cooperate with the investigating agency. He was not present at the spot, so no role is attributed to him. In view of that, he be protected by granting ad-interim protection.

5. Learned APP strongly opposed the said application on the ground that during investigation it reveals that the Tipper bearing No.MH-31-FC-6000 was carrying the sand of four brass worth of Rs.16,000/- without having royalty or permit to transport the same. During inquiry, the driver has disclosed the name of the present applicant. There are criminal antecedents as six offences are registered against the present applicant. In view of that, the application deserves to be rejected.

6. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that in all six offences are registered against the present applicant in the nature of dacoity, robbery and theft. From the recitals of the FIR it further reveals that when the investigating agency was doing the petroleum duty they have intercepted the vehicle and it was found

that the driver of the vehicle was transporting the sand without having any permit or the royalty. It further reveals that the royalty was lapsed. Thus, *prima facie* investigation papers show the involvement of the present applicant who is involved in committing the theft of the sand which is against the royalty. Considering the criminal antecedents against the present applicant, the application deserves to be rejected.

7. Hence, the application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*