



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

CRIMINAL APPLICATION (BA) NO. 533 OF 2024

Vaibhav @ Banti Giridhar Misar 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

Mr. A.A. Dhawas, counsel for applicant.

Mrs. H.N. Prabhu, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/06/2024.

1. The applicant came to be arrested on 02/05/2024 in connection with Crime No.129/2024 registered with Police Station Desaiganj, District Gadchiroli for the offences punishable under Sections 353, 341, 279 of the Indian Penal Code, 1860 and Section 184 of the Motor Vehicles Act, 1988.

2. Learned counsel for the applicant submitted that as per the accusation of one Uddhav Linguji Wankar, serving as a Talathi has lodged report alleging that on 30/04/2024, as per the directions of the Superior, he alongwith another Talathi and Driver proceeded for village Kondhala – Vainganga – Mendha River Ghat and witnessed that two tractors were found transporting the said. Upon intercepting them, it is found that they had no permit for transporting the sand, and therefore, the tractors were taken into custody. During the communication, the present applicant who was present there has obstructed their work, while they

were discharging the duties. On the basis of the said report, police have registered the crime.

3. He further submitted that as far as the tractors are concerned, which are already seized, as well as the sand which was allegedly transported is also seized, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that the applicant has not only illegally transported the same but he has also obstructed the public servant, who was discharging his official duty. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. As far as the investigation part is concerned, now nothing is to be recovered from the present applicant, as the sand and vehicles were already been seized by the investigating agency. The investigation is practically completed, considering the same, further incarceration is not required, and therefore, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicant- Vaibhav @ Banti Giridhar Misar, shall be released on bail, in connection with Crime No.129/2024 registered with Police Station Desaijanj, District Gadchiroli for the

offences punishable under Sections 353, 341, 279 of the Indian Penal Code, 1860 and Section 184 of the Motor Vehicles Act, 1988, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicant shall attend the concerned police station as and when required for the investigation purpose.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]