



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

CRIMINAL APPLICATION (ABA) NO.413 OF 2024

Kailash Rajaram Kharade

Vs.

State of Maharashtra, Through its Police Station Officer, Chikhli Police
Station, District Buldhana

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

Court's or Judge's orders

Mr. A. D. Bhate, Advocate for applicant.
Ms. Soniya Thakur, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/07/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.329/2024 registered with Police Station, Chikhli, District Buldhana for the offences punishable under Sections 353, 379, 341, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966, the present applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by Vaibhav Shivprasad Khade serving as a Naib Tahsildar at Chikhli, District Buldhana. As per the allegation on 03.05.2024, he has intercepted one tipper which was without number and found that it was transporting the sand illegally and

unauthorizedly, when he was inquiring with the tipper driver, one Kia Car came there bearing registration number MH-28-BQ-8888 and the present applicant get down from that Car and manhandled him. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the tipper and the Car are concerned, which are owned by the present applicant. He also placed on record the RTO particulars which shows that tipper is owned by one Nagre whereas the Car bearing No. MH-28-BQ-8888 is not a Kia Car, but it is TATA Safari Car and which is not owned by the present applicant. Thus, he submitted that due to the political rivalry present applicant is implicated in the alleged offence. As far as the custodial interrogation is concerned, which is not required. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that on interception of the vehicle, the sand was found transporting illegally and therefore, complainant was making inquiry with the tipper driver, at that time the present applicant came there asked the tipper driver to flee away from the spot of the incident and manhandle the public officer who was discharging his official duty.

5. After hearing the learned Counsel for the applicant and after going through the investigation papers, it reveals that the tipper is not owned by the present applicant as well as the Car which is numbered as MH-28-BQ-8888 is also not owned by the present applicant. Thus, at this stage, the involvement of the present applicant itself is doubtful. In view of that, the application of the present applicant for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, in connection with Crime No.329/2024 registered with Police Station, Chikhli, District Buldhana for the offences punishable under Sections 353, 379, 341, 504 and 506 read with Section 34 of the Indian Penal Code and Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966, the applicant **Kailash Rajaram Kharade** shall be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station as and when required for the investigation purpose and shall cooperate with the investigating agency.

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

(4)

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6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate