



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

CRIMINAL APPLICATION (ABA) NO.422 OF 2024
(Shrikant Narayan Jamav 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. V.S. Alone, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 11, 2024.

Heard.

2. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.159/2024 registered with Police Station Shegaon, District Buldhana for the offence punishable under Sections 143, 332, 353, 379 and 506 of the Indian Penal Code.

3. The accusation against the present applicant is on the basis of report lodged by Kalyan Asaram Kaldade on an allegation that on 01/06/2024 he received the secret information, and therefore, he along with Ramesh Munde, Circle Officer and others officials visited the spot of incident wherein they found that at the bed of river Purna there was an illegal excavation of the sand. They also found one Eicher Tractor along with Trolley in river bed including one brass sand in the Trolley. They also found two blue tractor out of which one tractor was bearing No.MH-38-B-6049 and heap of excavated 50 brass

sand. Present applicant was found at the spot while excavating the sand, and therefore, they were enquired. At the relevant time, present applicant and other co-accused made a hurdle while the public servant was discharging the duty. It is further alleged that present applicant and other co-accused not only snatched the keys from the pocket informant but they have also threatened the informant that if keys are not handed over they will commit suicide. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that as far as custodial interrogation is concerned which is not required as the vehicles as well as stock are already recovered. In view of that, he be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application on the ground that the applicant has not only created the hurdle while public servant was discharging the duty but he has threatened him and also snatched the keys of the vehicles which was seized by the public officer, such type of the act cannot be protected.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR and investigation papers which substantiates the contention raised by the learned APP and the recitals of the FIR reveals that the applicant who was found at the spot of incident excavating the sand illegally and unauthorisedly. Not only

that but he has also threatened the public servant who was discharging their duty that if the keys are not handed over he will commit suicide. The applicant has not stop himself by saying this but he has also snatched the keys from the informant with the help of one lady and they fled away from the spot of incident. Thus, considering the conduct of the present applicant, the crime was registered against him and the other co-accused.

7. Considering the act of the present applicant that he has not only excavated the sand illegally and attempted to transport it but he has created the hurdle when public officers were discharging the duties and with the help of one lady snatched the keys and fled away from the spot of incident. Thus, considering the act of the present applicant, no case is made out for grant of pre-arrest bail. In view of that, the application deserves to be rejected.

8. The Investigating Officer shall follow the mandate of the decision of the Hon'ble Apex Court in the case of *Satender Kumar Antil Vs. Central Bureau of Investigation, [(2022) 10 SCC 51]* by issuing the notice under Section 41A if he feels that the arrest of the applicant is required.

9. The application is rejected accordingly.

(URMILA JOSHI-PHALKE, J.)