



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

CRIMINAL APPLICATION (ABA) NO.431 OF 2024

(Rupesh s/o Raju Bodane Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.432 OF 2024

(Prashant s/o Shankar Saavasakade 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.V. Band, Advocate for the applicants.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JULY 26, 2024.

Heard.

2. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.219/2024 registered with Police Station Chimur, District Chandrapur, for the offences punishable under Sections 186, 392, 504 read with Section 34 of the Indian Penal Code, 1860 and Sections 50 and 177 of the Maharashtra Motor Vehicles Act, 1889.

3. Learned Counsel for the applicants submitted that the names of the present applicants are not appearing in the FIR. Merely on suspicion they are implicated in the alleged offence. He submitted that one tractor was found without number at the spot and excavating the sand, therefore, on the basis of the report lodged by the Talathi, the crime is registered. As far as the applicants are

concerned there is no material to show that they were present at the spot of incident. In view of that, they be protected by granting ad-interim protection. He further submitted that after releasing them on ad-interim anticipatory bail, they have cooperated with the investigating agency and attended the police station.

4. Learned APP strongly opposed the applications by pointing out that there are statements of the witnesses shows the involvement of the present applicants in the alleged offence, and therefore, the applications deserve to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which only it reveals that the applicant namely Rupesh s/o Raju Bodane has taken the motorcycle of the witness namely Harshal Bankar and said motorcycle was used allegedly in the commission of the crime. But his statement is only to the extent that his motorcycle was in the possession of the applicant namely Rupesh Bodane. Except this there is no material to show that he was present at the spot. Thus, considering that the names of the present applicants are not mentioned in the FIR, no specific role is attributed to them, their custodial interrogation is not required. In view of that, both the applications deserve to be allowed.

6. Hence, the both the applications are allowed. The ad-interim protection granted to both the applicants vide order dated 20/06/2024 in Criminal Application (ABA) Nos.431/2024 and 432/2024 is hereby confirmed on the same terms and conditions.

7. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*