



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

CRIMINAL APPLICATION (ABA) NO.466 OF 2024

Dnyaneshwar Dinkar Wagh

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Kingaon Raja, District Buldhana

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

Court's or Judge's orders

Ms. Anshula Paunikar, Advocate h/f Mr. S. V. Sirpurkar, Advocate for
applicant.

Mr. K. R. Lule, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/08/2024

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.117/2024 registered with Police Station, Kingaon Raja, District Buldhana for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code and Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966.

2. The apprehension of the present applicant in connection with the above said crime is on the basis of report lodged by Yashwant Hariba Gharjale who is serving as a Talathi at Sindkhedraja. As per his allegation in between 15/04/2024 to 20/05/2024 present applicant has excavated the sand and transported it illegally.

3. Learned Counsel for the applicant submitted that as far as the excavation of the sand

and transportation is concerned, there is no material collected by the investigating agency showing the involvement of the present applicant. The FIR is lodged after five days of the said incident. The applicant was not found at the spot excavating the sand and he is implicated merely on the basis of suspicion.

4. Learned APP strongly opposed the application on the ground that the present applicant has illegally excavated the sand, in view of that the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that the applicant was not found at the spot excavating the sand. He was also not found transporting the same. The FIR is also lodged after five days of the incident. Considering the same, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

The interim protection granted to the present applicant by order dated 01.07.2024 is hereby confirmed on the similar conditions imposed by the said order.

6. The application disposed of.

(URMILA JOSHI-PHALKE, J.)