



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

CRIMINAL APPLICATION (ABA) NO. 467 OF 2024

Dnyaneshwar Dinkar Wagh

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Andhera, 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.

Ms. H. N. Prabhu, 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.138/2024 registered with Police Station Andhera, 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 accusation against the present applicant is on the basis of report lodged by Satish Santosh Tayade who is serving as a Talathi at Deulgaonraja, District Buldhana. As per his allegation in between 22/05/2024 to 23/05/2024, present applicant has excavated the sand and transported it illegally.

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

transportation is concerned, there is no material collected by the investigating agency. The applicant was not found at the spot excavating the sand and he is merely implicated because the complaint is lodged against the informant by the present applicant.

4. Learned APP strongly opposed the application and submitted that there are criminal antecedents against the present applicant. In view of that the anticipatory bail 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 and the FIR is also lodged after three days of the incident. At this stage, no ground is made out for his custodial interrogation. As far as the criminal antecedents are concerned, which are not sufficient to reject the anticipatory bail of the present applicant, in view of that 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 is disposed of.

(URMILA JOSHI-PHALKE, J.)