



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

CRIMINAL APPLICATION (ABA) NO.492 OF 2024

(Jaava @ Abdul Jaahid s/o Kuddus Sheikh 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 applicant.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 26, 2024.

Heard.

2. By this application, the applicant is 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. The crime is registered on the basis of the report lodged by the Talathi serving at Chimur on an allegation that during the raid it was found that one tractor without number was at the spot and the present applicant was found excavating the sand. On the basis of said report, police have registered the crime against the present applicant.

4. Learned Counsel for the applicant submitted that the applicant is falsely implicated in the alleged offence. In fact, he was not found at the spot or he was not identified as a person who excavated the sand.

5. He is only the owner of the tractor which was found at the spot, and therefore, he is implicated in the alleged offence. He submitted that his custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

6. Learned APP strongly opposed the said application on the ground that there are criminal antecedents against the present applicant. Present applicant has not only excavated the sand but after raid despite the instructions given to him by the raiding party he has driven the tractor and left the place, therefore, the application deserves to be rejected.

7. I have heard learned Counsel for both the parties. Perused the recitals of the FIR and the investigation papers from which it reveals that there are criminal antecedents against the present applicant. Moreover, after conducting the raid, the tractor was taken into possession by the raiding party but the present applicant has driven the said tractor from the said place and eloped from the said place. The seizure of the tractor is yet to be carried out and considering the *prima facie*

case is made out against the present applicant, the application deserves to be rejected.

8. Hence, the application is rejected.

(URMILA JOSHI-PHALKE, J.)

**Divya*