



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

CRIMINAL APPLICATION (ABA) NO.481 OF 2024

(Raju Ramdas Wagh 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. K.R. Giripunje, Advocate for the applicant.
Mr. U.R. Phasate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 9, 2024

Apprehending the arrest at the hands of police, in connection with Crime No. 139/2024 registered at Police Station Andhera, District Buldhana for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code, 1860 and Section 48(7)(8) of the Maharashtra Land Revenue Code, 1966, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Nilesh Bhujangrao Jadhav, who is serving as Talathi, who alleged that on 23/05/2024 along with Superior Officer he visited to inspect the area of Khadakpurna River and found that huge amount of sand has been excavated from the said river-bed. During the inquiry, it revealed to him that the present applicant and other 12 to 13 persons were involved in excavating the said sand illegally and transporting the same. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned who was not found at the spot while excavating the sand and now the sand is already recovered and therefore, the custodial interrogation of the applicant is not required.

4. *Per contra*, learned APP strongly opposed the said application on the ground that considering the large amount of sand was excavated illegally and transported the same. In view of that, custodial interrogation is required and prays for rejection of the application.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the involvement of the present applicant and other co-accused reveals in the excavation of the sand illegally and in the transportation of the same. The 615 Brass sand was stored and the same was sold by the Government Officials in presence of the superior officer. Now, the said stock is already recovered and sold as per the Rules. In view of that, custodial interrogation of the applicant is not required. However, considering the nature of the offence, some conditions require to be imposed.

6. Hence, the application is allowed. The interim protection granted to the present applicant vide order dated 05/07/2024 is hereby confirmed on the same terms and conditions and also on the condition that the applicant shall not indulge in the similar type of the activities in future.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*