



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

CRIMINAL APPLICATION (ABA) NO. 491 OF 2024

Abhijit s/o Manohar Shingne and Ors.

Vs.

State of Maharashtra, Thru. PSO, PS Andhera, Tq. Chikhali, Dist. Buldhana

CRIMINAL APPLICATION (ABA) NO. 493 OF 2024

Govind s/o Shankar Dedhe

Vs.

State of Maharashtra, Thru. PSO, PS Andhera, Tq. Chikhali, Dist. Buldhana

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Vinay Rathi, Advocate a/w Mr. Purushottam Patil,
Advocate for applicants.
Ms. Trupti Udeshi, APP for non-applicant/State in ABA
No.491/2024.
Mr. A.G. Mate, APP for non-applicant/State in ABA
No.493/2024.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 24.07.2024

Apprehending the arrest at the hands of
police in connection with Crime No.139/2024
registered with Police Station Andhera, Tq. Chikhali,
District - Buldhana, for the offence punishable under
Sections 379 read with Section 34 of the Indian
Penal Code and Section 48(7), 48(8) of the

Maharashtra Land Revenue Code, the applicants approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the report is lodged by one Nilesh Bhojanga Rao Jadhav, who is serving as a Talathi, alleging that on 23.05.2024 along with his Superior Officer visited the area of Khadakpurna River and found that huge amount of sand has been excavated from the said river-bed. During the enquiry, it revealed that the present applicants and other 12 to 13 persons were involved in excavating the sand illegally and transporting the same. He submitted that some of the accused are already protected by this Court, as far as allegations are concerned, which are general in nature. The applicants are not caught at the spot and they are not found excavating the sand. In view of that, custodial interrogation is not required.

3. Learned APP strongly opposed the said application on the contention that, the present applicants and the other co-accused illegally excavated the sand and transported the same, that custodial interrogation is required. At the same time, she fairly admitted that the applicant has

attended the Police Station and cooperated with the investigating agency.

4. After hearing the learned counsel for the applicants and learned APP for the State, perused the investigation papers as well as recitals of the FIR, the sand excavated and stock is of 615 Brass, which was sold subsequently by the Government Officials, in presence of Senior officers. As far as the allegations are concerned, it reveals that now the said stock is already recovered and sold as per the Rules. Therefore, the custodial interrogation of the present applicants is not required, in view of that, the interim protection granted to the applicants deserves to be confirmed by modifying the condition that the applicant shall attend concerned police station as and when required for the investigation purpose till the filling of the charge-sheet. The rests of the conditions would follow.

5. Both the applications are disposed of.

(SMT. URMILA JOSHI PHALKE, J)