



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

CRIMINAL APPLICATION (ABA) NO.599 OF 2023

(Vishal s/o Ghanshyam Deshmukh 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. R.R. Vyas, Advocate for the applicant.
Ms H.S. Dhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 20, 2024.

Apprehending his arrest in Crime No.06/2020, for the offence punishable under Sections 379, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Jarawandi, District Gadchiroli, the applicant has filed the present application for grant of anticipatory bail.

2. Learned Counsel for the applicant submits that co-accused Matin Ahamad Abdul Gani Qureshi and Manoj Bagde are already released on bail by the Sessions Court. As far as present applicant is concerned it is alleged that the applicant has sold the sand to co-accused Aakar Construction, Bhandara. The sand is already recovered. The custodial interrogation of the present applicant is not required. In view of that the interim protection granted to the applicant deserves to be confirmed.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that considering the *prima facie* material against the present applicant, his custodial interrogation is required and hence application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers. Admittedly, the sand is already recovered during the investigation. The other co-accused from whose possession the sand was taken into custody are already released on bail. In view of that, the custodial interrogation of the present applicant is not required, and therefore, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant – Vishal s/o Ghanshyam Deshmukh in connection with Crime No.06/2020, for the offence punishable under Sections 379, 468 and 471 of the Indian Penal Code, 1860 registered at Police Station Jarawandi, District Gadchiroli, be released on anticipatory bail on executing a PR.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)