



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

CRIMINAL APPLICATION [ABA] NO.283 OF 2024
(Santosh s/o Kashinath Navrange .vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. D.I. Jain, Advocate for Applicant,
Mr. S.V. Narale, APP for Respondent-State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : MAY 24, 2024.

. Apprehending the arrest at the hands of the Police in connection with Crime No.345/2024 registered with Police Station, Deoli, District - Wardha for the offence punishable under Sections 379, 420, 120-B of the Indian Penal Code, Section 48 (8) of the Maharashtra Land Revenue Code and Section 3 (1), 181, 130, 177 of the Motor Vehicle Act, the present applicant approached to this Court for grant of pre-arrest bail.

2. As per the prosecution case, on 29.3.2024 when the complainant was on patrolling duty, at the relevant time, the Collector, Wardha and Superintendent of Police, Wardha along with their raiding staff received the secret information

that at mouza Chana (Takli) at Sonegaon Sand Depot, there is unauthorised excavation of sand is going on and therefore all the police machinery immediately visited the said spot and found 20 to 22 vehicles standing at the said spot. Therefore, crime is registered against the present applicant as well as other co-accused. From the recitals of the first information report, it reveals that the investigating agency has seized all the vehicles as well as sand worth Rs.2,25,11,800/-. On the basis of the said report, police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that the applicant is not the owner of vehicle bearing registration No.MH31CB9771. He has sold the vehicle long back. Thus, he is not involved in the alleged crime. His custodial interrogation is not required and, therefore, he be protected by granting anticipatory bail.

4. The learned APP strongly opposed the said application on the ground that from the recitals of the first information report, it reveals that the present applicant as well as other co-accused have excavated the sand from the river with the help of pok-land and other vehicles large in scale. In view of that, his custodial interrogation is required and prays for rejection of the application.

5. After hearing the learned counsel for the applicant and the learned APP for the respondent-State, perused the recitals of the first information report and the investigation papers, from which, it reveals that the applicant and other co-accused with the help of 20 to 22 vehicles excavated the sand large in scale being worth Rs.2,25,11,800/- without any authorization. Thus, prima facie, the case is made out against the present applicant. Considering the manner in which the sand was excavated, his custodial interrogation is required. Merely because the custodial interrogation is not required is not sufficient to grant anticipatory bail to the applicant.

6. Considering the prima facie material against the present applicant, the application deserves to be rejected. Accordingly, the application is rejected.

JUDGE