



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 397 OF 2025

Sonya @ Sahdev Yashwantrao Sargar,
Age : 48 Years, Occu. : Agri.,
R/o. Hatkar Galli, Valur,
Tq. Sailu, Dist. Parbhani.

... Applicant
(Accused No.4)

Versus

The State of Maharashtra

... Respondent

WITH

BAIL APPLICATION NO.274 OF 2025

Kacharu S/o. Rakhmaji Pitale,
Age : 37 Years, Occu. : Labour,
Residing at Raja, Tq. Sailu,
District : Parbhani.

... Applicant
(Accused No.3)

Versus

The State of Maharashtra

... Respondent

.....
Mr. S. C. Arora h/f. Mr. Vitthal D. Bhise, Advocate for Applicants
Mr. C. V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 26 MARCH, 2025

ORDER :

1. Both applicants seek enlargement on regular bail on account of their arrest in Crime No.0036 of 2025 registered at Selu Police Station, District Parbhani for offence punishable under sections 109, 115-2, 189-2, 191-2, 190, 126-2, 132, 303-2

Bharatiya Nyaya Sanhita and under sections 48-7, 48-8 of the Maharashtra Land Revenue Code and under section 135 of the Maharashtra Police Act.

2. Learned counsel submitted that, allegations are of wrongfully restraining informant while seizing illegal transportation of sand. Except such allegation, no allegations are levelled. That, considering the nature of allegation, nothing is recovered or discovered, and therefore, their custody is not required. He pointed out that, since last two and half months applicants are behind bars. They are ready to co-operate in the investigation and also ready to abide all conditions imposed by this court.

3. Learned APP opposed on the ground that, report has been lodged by police official. That, when tractor and trolley was carrying illegal sand without authority or permit was being transported, it was intercepted and such vehicles were taken along with two persons towards police station and at that time three persons including present two applicants intercepted and prevented the further action and thereby caused obstruction. That, such persons quarreled and scuffled with police and also attempt was made to run over by tractor. Hence, learned APP opposes the relief.

4. Heard. Perused the FIR lodged by one Pandharinath Pandurang Sanap, Police Constable. He has reported that, on 18.01.2025 around 19:45 hours on Bori to Walur Road, Baban Dhulgunde and Balasaheb Patharkar were taken in custody for transporting illegal sand. These persons started quarreling and scuffling with police and while the tractor and trolley taken to the police station, three persons came on motorcycle, namely Kacharu Pitale, Sahadeo Salgar and Balasaheb Sahajrao intercepted the police vehicle and thereafter another accused Saurabh and Baban formed unlawful assembly and prevented from taking further action. Hence the report.

5. Thus, present applicants are shown as accused nos.3 and 4, who subsequently arrived on the scene and obstructed police officer from taking action. Allegations are of abusing, quarreling, scuffling and preventing performance of official duty. Nothing is shown to be recovered or discovered. Both applicants are shown to be arrested on 19.01.2025. Considering the nature of allegation, further investigation carried out by securing the presence of applicants on days spelt out in the operative part. Hence, the following order is passed :-

ORDER

I. Both applications are allowed.

II. Applicants, namely, (i) Sonya @ Sahdev Yashwantrao Sargar and (ii) Kacharu S/o. Rakhmaji Pitale be released on bail in connection with Crime No.0036 of 2025 registered with Selu Police Station, District Parbhani, on executing Personal Bond of Rs. 15,000/- each with one surety each in the like amount, on the following conditions:

[a] The applicants shall not tamper prosecution evidence.

[b] The applicants shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicants shall attend the concerned police station thrice in every week i.e. on every Saturday, Tuesday and Thursday and maintain personal diary of their attendance till filing of charge-sheet and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)