



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

962 ANTICIPATORY BAIL APPLN. NO.358 OF 2025

**RAM SANDIPAN KADAM
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Ms.Nupur Paliwal h/f. Mr.Prashant
Giri

APP for Respondent-State : Mr.S.P.Sonpawale

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 19.03.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is apprehending arrest in connection with Crime No. 0584/2024, registered with Georai Police Station, Taluka Georai, District Beed, for the offence under Section 303 (2) of BNS, 2023 [under Section 379 of the IPC].

3] This Court, by order dated 12.03.2025, has granted interim protection in favour of the applicant for the submissions stated in para no.3, as noted below :

3] The learned counsel for the applicant submits that co-accused was found transporting sand worth of Rs.3000/- and on being asked the co-accused informed that the present applicant

is the owner of the said vehicle. The learned counsel further submits that the vehicle is already sold to the third person. He further submits that under Land Revenue Code, the revenue authorities is entitled to pass appropriate order in respect of penalties and the offence under Section 379 of the IPC ought to have been registered for small quantity of sand.

4] The learned counsel for the applicant submits that in terms of the aforesaid order, the applicant has co-operated with the investigation.

5] The learned APP points out that the applicant has applied for custody of the vehicle and the applicant is the owner of the said vehicle.

6] The learned counsel for the applicant submits that the applicant has sold the vehicle as per agreement dated 15.03.2024 and same was duly notarized on 23.04.2024 and the applicant has given possession of the said vehicle to the third person on 15.03.2024 itself. The said vehicle was hypothecated with TATA Capital Finance and it was one of the condition in the agreement that after having released the tractor from the hypothecation, the applicant would sign on the form relating to the transfer in the owner's name. The learned counsel further submits that the person who had taken possession, has not applied for custody of the vehicle.

7] Considering the submissions of the applicant, so also, considering the fact that the co-accused was found transporting the sand worth of Rs.3000/- and there are no antecedents against the applicant, the interim protection granted by order dated 12.03.2025 stands confirmed, in the following terms :

i] The applicant shall attend the concerned police station as and when required by the investigating officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

iv] The State can be recovered the dues from the applicant under the provisions of Maharashtra Land Revenue Code for violation of provisions of the said Code.

8] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

10] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC