



{1}

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

BAIL APPLICATION NO.829 OF 2025

Prabhakar S/o Vishwanath Ghuge
Age: 41 years, Occ.: Driver,
R/o. Mulgaon, Wai, Tq. Selu,
District Parbhani,
Currently R/o. Kahiri Plot, Jintur,
Tq. Jinture, Dist. Parbhani.

... Applicant.

Versus

The State of Maharashtra
through Police Station Biloli,
Tq. Biloli, Dist. Nanded.

... Respondent

.....
Mr. B.N. Magar, Advocate for Applicant
Mr. C.V. Bhadane, APP for Respondent – State
.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 06 MAY 2025

PER COURT :-

1. Present application is for grant of regular bail on account of arrest of the applicant in Crime No.0058 of 2025, registered at Dharmabad Police Station, Dist. Nanded for offence punishable under Sections 318(4), 316(2) r/w Section 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel for the applicant pointed out that, applicant is arrested in above crime on 09.03.2025. That, there

{2}

are allegations of cheating. That, present applicant has nothing to do with the alleged occurrence. That, present applicant is a mere truck owner, whose vehicle was used to for transporting the food grains. That, other co-accused namely, Banba Ghuge is already granted bail. That, truck in question is already seized. That, as there is no further recovery or discovery is shown to be made. That, no further purpose would be achieved by continuing the detention of the applicant and as charge-sheet being filed on 23.04.2025, learned counsel urges of grant of bail on any conditions deemed fit by this Court.

3. The learned APP opposed the application on the ground that, the applicant was the owner of the truck, and he had concealed and changed its number plate. That, investigating is still in progress, and charge-sheet is yet to be filed. For all above reasons, learned APP opposes the application.

4. Heard. Perused the papers. FIR dated 06.03.2025 is at the instance of one Omnarayan Nandkishor Kasat, who runs the trading business. He has reported that on 28.02.2025, his father had engaged a truck bearing No.MH 21 BH 8776, belonging to Gujrat Bombay Transport Company, to transport 595 sacks of food grains weighing a total of 305 quintals, worth

{3}

Rs.16,69,150/-, and the said truck was proceeded from Dharmabad. Advance of Rs.20,000/- was also handed over to the transport owner, namely Vitthal Kokate. It is further reported that on 01.03.2025, call was made by Zahiruddin to the driver and he allegedly stated that, he would reach to the destination by evening. It is further informed that on 02.03.2025, when Zahiruddin made a phone call to the driver namely, Ganesh More, but his phone was found to be switched off. Even the inquiry was made with the destination regarding the truck's arrival, but it was reported that the goods had not reached. Informant claims that, when inquiry was being made, it was revealed that, truck was parked since many days in Jalna. Therefore, complaint has been lodged against unknown persons and driver for giving false information about the vehicle and cheated the complainant.

5. This Court has granted bail to Baban Ghuge by order dated 30.04.2025. The trial Court had already granted bail to accused, namely Balaji Jaybhaye by order dated 04.04.2025. Therefore, on the ground of parity, applicant succeeds. Hence, I proceed to pass the following order :

{4}

ORDER

- I. The Bail Application is allowed.
- II. Applicant be released on bail in connection with Crime No.0058 of 2025, registered at Dharmabad Police Station, Dist. Nanded, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall attend the concerned police station once in every week i.e. on every Monday between 11.00 a.m. to 02.00 p.m. till commencement of trial, and thereafter, , shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane