



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

38 BAIL APPLICATION NO.1019 OF 2025

**BABAN ALIAS RAMCHANDRA TATERAO
DHULGUNDE**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr.S.J.Salunke
APP for Respondent-State : Mr.P.P.Dawalkar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 28.07.2025

P.C. :

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

2] The applicant is seeking bail as he is arrested on 19.01.2025 in connection with Crime No. 36/2025, registered with Selu Police Station, District Parbhani, for the offence punishable under Sections 303 (2), 121 (1), 132, 109, 125, 186 (2), 190, 191 (2), 126 (2), 3 (5) of the Bharatiya Nyaya Sanhita, 2023, under Sections 48 (7)(8) of the Maharashtra Land Revenue Code, 1966 and under Section 135 of the Maharashtra Police Act, 1951.

3] The case against the applicant is that on 18.01.2025 the applicant and other accused persons were

transporting the sand of 1 brass illegally. It is further stated that the applicant had extracted the sand and was transporting the same without authorization. The applicant had scuffled with the informant and threatened that nobody could take the tractor to the police station. When the informant and other police personnel were in front of the tractor, the applicant started the tractor and drove it on the person of the informant. However, they took jumped beside instead of taking tractor to the police station ran away with the tractor. As such, the FIR is registered against the present applicant.

4] The learned counsel for the applicant submits that the applicant was transporting the sand of small quantity i.e. one brass and the provisions under the Maharashtra Land Revenue Code is available for taking proper action against the applicant for illegal extraction of sand and that the revenue authorities had jurisdiction to intercept illegal transportation of sand and the police officials are involved into the act of interception without authorization and there are some exaggeration in the FIR. Considering the said fact, bail should be granted in favour of the applicant.

5] *Per contra*, the learned APP submits that there are six antecedents against the present applicant. Out of six, four crimes are pending against the present applicant.

Considering the same, bail should not be granted in favour of the applicant.

6] Considering that the applicant was transporting small quantity of sand i.e. 1 brass of sand, so also, the applicant is in jail from 19.01.2025 and charge sheet is filed on 05.04.2025. Considering this aspect of the matter, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 36/2025, registered with Selu Police Station, District Parbhani, for the offence punishable under Sections 303 (2), 121 (1), 132, 109, 125, 186 (2), 190, 191 (2), 126 (2), 3 (5) of the Bharatiya Nyaya Sanhita, 2023, under Sections 48 (7) (8) of the Maharashtra Land Revenue Code, 1966 and under Section 135 of the Maharashtra Police Act, 1951, on furnishing PR bond of Rs.20,000/-, with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant witness, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall not be involved in similar offences.

d] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

e] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

f] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

7] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE