



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

949 ANTICIPATORY BAIL APPLICATION NO. 1393 OF 2024

JUNED MOHAMMAD SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rajendrraa Deshmukkh, Senior
Advocate a/w. Ms. Rakshanda Jaiswal & Mr. Shriram
Deshmukh i/b. Mr. Khande Avinash A.
APP for Respondent/State: Mr. N. B. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06.03.2025

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.0212/2024, dated 18.05.2024, registered at Degloor Police Station, Degloor, Taluka Degloor, District Nanded, for the offences punishable under Sections 341, 353, 379 r/w. 34 of the Indian Penal Code, 1860, Section 48(7) of the Maharashtra Land Revenue Code, 1966.

3] This court by order dated 14.08.2024 granted interim protection to the applicant, so also, has directed the applicant to cooperate with the investigation.

4] Mr. Rajendraraa Deshmukkh, learned Senior Advocate submits that the applicant has cooperated with the investigation and that the interim relief is in force for a long period and further submits that the same may be confirmed as the investigation in the matter is complete.

5] The case against the applicant is that, on 18.05.2024, the complainant with others were on duty and while patrolling at night at about 08:30 p.m. they noticed that the Hyva Truck bearing No. MH 25 U 1185 without license of transporting sand was found illegally carrying 6 brass of sand amounting to Rs.12,000/-. When the vehicle was stopped by them the driver ran away. Thereafter, the informant and others have done the necessary formalities and seized the truck and were taking the truck to the police station. At that time, the present applicant reached there and stopped the vehicle to be taken to the police station. He stood in front of the vehicle and did not allow the vehicle to be taken and it is stated by the learned APP that the applicant pushed the informant. Thereafter, it is stated that the Assistant Collected, Degloor reached at the spot and, thereafter, that the applicant ran away.

6] The learned APP submits that there are 10 antecedents against the applicant of which 7 are of similar nature to which the learned Senior Advocate for the applicant replies that the applicant has been acquitted in 4 cases, in one case the applicant is pleaded guilty, wherein fine of Rs.500/-

is imposed on him and in another 2 cases the trial is going on.

7] The learned APP has also pointed out that the applicant is the owner of the vehicle i.e. that seized Hyva truck.

8] Mr. Rajendrreaa Deshmukkh, learned Senior Advocate for the applicant points out that the Talathi Dnyaneshwar is of the same village and has some personal grudge against the applicant and that he has earlier registered one FIR bearing Crime No. 0519 of 2023 and the present FIR bearing Crime No.212 of 2024.

9] Mr. Rajendrreaa Deshmukkh, learned Senior Advocate for the applicant submits that, in the instant case, highest allegation i.e. put up against the applicant is that the applicant has obstructed the informant and others in discharge of their duty i.e. from taking away the truck.

10] Mr. Rajendrreaa Deshmukkh, learned Senior Advocate for the applicant also submits that in terms of the provisions of the Maharashtra Land Revenue Code appropriate penalty can be imposed for the 6 brass of sand extracted illegally and the vehicle in possession can also be disposed in securing the amount. He also submits that, in any event, the investigation in the matter would be nearing completion; as he has cooperated with the investigation, so also, the vehicle is in possession of the State.

11] Considering the submissions of the applicant and also considering that by virtue of the interim order the applicant has attended the concerned police station and that the sand and the truck are already in possession of the State, further custodial interrogation of the applicant is not necessary. As a owner of the truck, the applicant has pleaded with the authorities not to seize and take away the truck.

12] In view of the above, the interim protection granted by order dated 14.08.2024 stands confirmed, on the following terms:

i] The applicant shall attend the 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.

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

14] 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.

15] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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