



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 ANTICIPATORY BAIL APPLICATION NO. 598 OF 2025

ANKUSH SUBHASH BORWADE
VERSUS
THE STATE OF MAHARASHTRA

Mr. A. L. Kanade, Advocate for the Applicant
Mrs. M. L. Sangit, APP for the Respondent/State

CORAM : ADVAIT M. SETHNA, J.
DATE : 26 JUNE 2025

P. C. :-

1. The Applicant in the proceedings apprehends arrest. The present proceedings relate to Crime No. 37/2025. The FIR dated 19 February, 2024 lodged at 20.48 hours by the Pimpalner Police Station, District Beed for the offences punishable under Sections 49, 303(2) r/w 3-5 of the Bharatiya Nyaya Sanhita (for short 'BNS') and 39, 130, 177, 192 of the Motor Vehicle Act. The occurrence of the offence is sated to be on 19 February, 2025 for the period between 16.30 hours to 16.40 hours. The information in this regard was received by the concerned Police Station on 19 February 2025 at 20.04 hours.

Case in the FIR:-

2. On 19 February 2025, the Informant and other police staff in furtherance of secret information received proceeded towards the

Razzakpur road. When said persons entered the limits of village Rajjakpur, all of them saw one Tractor without number plate with a trolley at about 4.30 p.m. They signaled to the driver of the Tractor to stop, but he went ahead without stopping. The police staff chased him and caught him on the north side of Mhalas Javla village on the road going to village Pimpalgaon Majra. They stopped the Tractor. On enquiry, the Tractor driver disclosed his name as one Kiran Arjun Kanade. On inspection, it was found that the trolley attached to the Tractor was fully loaded with sand. The Tractor driver was unable to produce the papers of the Tractor and royalty receipt of the sand. The Tractor driver stated that the Tractor was owned by Ankush Borwade i.e. the Applicant and in such circumstances, said FIR came to be lodged.

Submissions and Findings:-

3. After hearing learned Advocates for the parties it appears that the Applicant was protected by an order dated 22 April 2025. Certain terms and conditions were imposed including directing the Applicant to attend concerned Police Station on 28 April 2025 between 10.30 am to 01.30 pm.

4. Mrs. Sangit, learned APP would submit that the Applicant has accordingly complied with such conditions by attending Police Station.

The sand in the said FIR has been recovered/seized. No recovery would further to be effected as also submitted by the prosecution. The Applicant has no criminal antecedents. The record would indicate that he has joined the investigation by complying with the earlier order of this Court. In such facts and circumstances, the interim relief by order dated 22 April 2025 is required to be confirmed. Thus, there is no custodial interrogation further warranted in the given facts and circumstances. A case for grant of anticipatory bail is made out by the Applicant. The Anticipatory Bail Application is accordingly allowed by imposing following terms and conditions:-

O R D E R

- (i) In the event of arrest of the applicant in connection with C.R. No. 37/2025 registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Sections 49, 303(2) r/w 3-5 of the Bharatiya Nyaya Sanhita (for short 'BNS') and 39, 130, 177, 192 of the Motor Vehicle Act, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 20,000 (Rupees Twenty Thousand Only) with one solvent sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation. He shall attend the concerned police station as and when required/called by the Investigation Officer untill filing of the charge-sheet.
- (iii) The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the

contact details, the same shall be immediately informed to the concerned police station.

- (iv) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court.
- (v) The Applicant not interfere with the evidence and shall not tamper prosecution witnesses in any manner whatsoever.

5. Needless to mention that these are *prima facie* observations made in adjudicating this ABA.

6. The ABA is allowed in above terms.

(ADVAIT M. SETHNA, J.)

ssp