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

919 ANTICIPATORY BAIL APPLICATION NO. 1368 OF 2025

Tukaram Machhindra Vikhe

VERSUS

The State Of Maharashtra And Another

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Mr N. B. Narwade, Advocate for Applicant

Mr C. V. Bhadane, APP for respondents/State.

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CORAM : ADVAIT M. SETHNA, J.

DATE : 07 AUGUST 2025

P. C. :

1. Heard Mr Narwade, learned Advocate for the Applicant and the learned APP for the Respondents/State.

2. This Application is listed for the first time today.

3. **Issue Notice** to the Respondents, returnable on **29 August 2025**. The learned APP Mr Bhadane waives service of notice on behalf of Respondents/State.

4. The Application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the Applicant apprehends arrest. The proceedings relate to Crime No.0532/2025. The First Information Report ("FIR") has been lodged on 16 June

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2025 at 22:56 hours, registered by the Shevgaon Police Station, District Ahilyanagar. The occurrence of the offence is shown between 03 June 2025 to 16 June 2025. The offences alleged are under Sections 303(2) and 324(4) of the Bharatiya Nyaya Sanhita, 2023. There is only one accused person named in the FIR i.e. Tukaram Machhindra Vikhe, who is the present Applicant before the Court. The informant is one Deepak Haribhau Karkhile, aged 53 years, who is the Tahsildar of Shevgaon.

5. With the assistance of the learned Advocates for the parties, I have perused the FIR and the record available with the Court.

6. On perusal of the FIR, it appears that the Informant reported that, when he alongwith his office team were taking action to prevent the unauthorized excavation of sand/minerals on 03 June 2025 at about 3:00 a.m. on Shevgaon-Miri Road, one white colour dumper (truck) No. MH-12-Axx 2970 was found transporting two brass sand without authorization. Therefore, the Informant and squad team caught the said dumper. Said dumper was sent to Tahsil Office, Shevgaon. In the said Tahsil office, there are CCTV camera installed. It is alleged that, from 03 June 2025 at about 3:00 p.m. to 16 June 2025 at midnight at 2:45 a.m., the said dumper was parked in Tahsil

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office, Shevgaon. However, without any permission, as well as order of any appropriate authority, the applicant/accused has broken the lock of gate of Tahsil office and stolen the said dumper. In such situation, the complaint is reported and the FIR is registered.

7. On hearing learned Advocate Mr Narwade for the Applicant and perusing the contents of the FIR, it appears that, from 03 June 2025 to 16 June 2025, the said dumper (truck), as mentioned in the FIR was under surveillance of CCTV, where it was parked at the Tahsil office, Shevgaon between those date i.e. between 03 June 2025 to 16 June 2025. Despite such CCTV footage being installed there, the said truck which allegedly had the illegal excavated sand was stolen from the Tahsil office as alleged in the FIR. Mr Narwade would state that there is no involvement of the Applicant in such alleged theft as the Applicant was not present at the date and time of the incident. He has made a categorical statement in this regard in Anticipatory Bail Application filed before the Court. Mr Bhadane, learned APP would fairly submit that he would take instructions and get this verified. There is no specific role attributed to the Applicant in the FIR, so as to make out the alleged offences under Sections 303(2) and/or 324(4) of the Bharatiya Nyaya Sanhita, qua against the present Applicant at this

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stage of the proceedings. In this context, it is to be noted that CCTV being installed there and that there would be adequate security in the said public office (premises), the said truck was stolen. Mr Bhadane, learned APP would take instructions. The Applicant has no criminal antecedents as informed to the Court which would also be verified by the learned APP Mr Bhadane. The Applicant undertakes to co-operate with the investigation.

8. Considering the totality of the facts and circumstances, *prima facie*, in my view the Applicant deserves some protection at this stage.

In view of the above, I pass the following order:

O R D E R

- (i) Until adjourned date of hearing, in the event of arrest of the Applicant Tukaram Machhindra Vikhe in connection with C.R. No.0532/2025 registered with Shevgaon Police Station, District Ahilyanagar, for the offences punishable under Sections 303(2) and 324(4) of the Bharatiya Nyaya Sanhita, 2023, he is directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one or more sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station on every Monday at 11.30 am, until the further orders and shall cooperate with the investigation.

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- (iii) The Applicant shall furnish details of residential address and other contact details such as the 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 competent Court without prior permission, until further orders.
- (v) He shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

9. List the Application for further consideration/hearing on **29 August 2025.**

10. The protection granted today in favour of the Applicant shall continue till the adjourned date of hearing.

[ADVAIT M. SETHNA, J.]

sjk