



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 326 OF 2025

Atul s/o Vijay Dhandar Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Sumit B. Gandhe, counsel for applicant.

Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 25/09/2025.

1. The applicant has filed this application apprehending his arrest in Crime No. 69/2025 registered with Police Station Bhatkuli, District Amravati for the offences punishable under Sections 109, 296, 221, 126(2), 132, 351(2), 351(3) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 9 and 15 of the Environmental Protection Act, 1986.

2. The crime is registered on the basis of report lodged by Ajitkumar Vasant Yele on an allegation that he received a secrete information that there would be a transportation of illegal sand, and therefore, he inspected the vehicle. The allegations are about putting said vehicle on the person of Tahsildar.

3. The counsel for applicant has stated that the allegations against this applicant is that he is the owner of the said vehicle, which the applicant is denied. It has been

further submitted that the applicant was not present on the spot.

4. The interim protection has already been granted to the applicant, and the applicant has complied with the condition of attending the concerned police station. Hence, the learned counsel prayed for confirmation of the interim protection granted by this Court on 09/05/2025.

5. On the other hand, learned APP strongly opposed the application and stated that applicant is not cooperating the investigation, despite being called eleven times. Notices were issued to the applicant for producing the vehicle allegedly used in the commission of the crime, but he has failed to produce it. It is further alleged that the applicant has changed the colour of the said vehicle, and therefore, his custodial interrogation is necessary.

6. The learned APP also pointed out that the applicant has suppressed the fact that a previous offence had been registered against him and reiterated that the applicant is not cooperating with the investigation.

7. Heard learned counsel for both parties.

8. The learned counsel for the applicant has submitted that the non-disclosure of the applicant's criminal antecedents was inadvertent and that no affidavit was filed due to oversight.

9. It is further submitted that the applicant has denied ownership of the said truck and that the investigating agency has not collected any material to establish that the applicant is, in fact, the owner of the said vehicle. During the course of the investigation, even the registration details of the said vehicle from the RTO have not been properly verified to confirm ownership. In view of this, the alleged non-cooperation of the applicant should not be held against him..

10. Considering the allegations made against this applicant and the role played by this applicant, the interim protection granted to the applicant by this Court dated 09/05/2025 is hereby confirmed on the same terms and conditions.

11. Application stands disposed of accordingly.

(MRS. VRUSHALI V. JOSHI, J.)