



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) No.107 OF 2025

(Ganesh Gopal Khandbhusari Vs. State of Maharashtra, through PSO, P.S. Khapa,
Nagpur (Rural))

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P.K. Sathianathan, Advocate for applicant.
Mr. A.M. Ghogre, APP for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 10th MARCH, 2025.

1. Apprehending the arrest at the hands of Police in connection with Crime No.29/2025, registered with Police Station Khapa, District Nagpur Gramin, for the offence punishable under Sections 132, 221, 238 and 303(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 and Sections 4 and 21 of the Mines and Minerals Act, 1957 and Section 3 Prevention of Public Property Act, 1984 the applicant approached to this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that on 1.2.2025 at about 10.30 p.m. the Officer Incharge of Khapa Police Station Shri Giri called the complainant on his mobile phone and informed him that some secret information that there will be illegal transportation of stolen sand from Khapa town area and if any movement is observed, complainant should inform

immediately. Therefore, the informant went to the road coming from bail-bazar i.e. bullock market to Dohanghat road and found one tractor with trolley transporting the sand. Therefore, he restrained. At that time, he was man-handled by the co-accused. Learned counsel submitted that as far as present applicant is concerned, only allegation that he restrained the informant from taking photographs from his mobile phone. Except that, there is no allegation against him. Thus, his custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned A.P.P. strongly opposed the application and submitted that there are other offences registered and the present applicant is having connection with the other co-accused. In view of that, application deserves to be rejected.

4. Considering the limited allegations against the present applicant, his custodial interrogation is not required. As far as the criminal antecedents are concerned, which are against the co-accused. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.29/2025, registered with Police Station Khapa, District Nagpur Gramin, for the offence punishable under Sections 132, 221, 238 and 303(2) of

the Bharatiya Nyaya Sanhita, 2023 and Section 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 and Sections 4 and 21 of the Mines and Minerals Act, 1957 and Section 3 Prevention of Public Property Act, 1984 the applicant – Ganesh Gopal Khandbhusari shall be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Agency.

(iv) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.

(v) The applicant shall not indulge himself in similar types of activities.

5. The application is disposed of.

6. Hamdast allowed.

(Urmila Joshi-Phalke, J.)