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922.ABA.255.2025

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

CRIMINAL APPLICATION (ABA) NO.255 OF 2025

Shekhar Nandurao Tathod

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Khallar, District Amravati 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. V. Navlani, Counsel for the applicant.

Mr. N. B. Jawade, APP for non-applicant / State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.54/2025 registered with Police Station, Khallar, District Amravati Rural for the offence punishable under Sections 303(2), 132, 238(c) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant, who submitted that the applicant is arraigned as an accused on an allegation that on 16.03.2025 the tractor bearing No. MH-30 AB was intercepted by the informant and the other raiding party members on the suspicion that the sand is transported illegally by excavating the same. It is alleged that the present applicant is the owner of the said tractor, but in fact,

he is not owner of the said tractor, his name is also not Chandrashekhar, due to the misidentity the crime is registered against the present applicant. He is having apprehension of arrest. His custodial interrogation is not required. In support of his contention, he invited my attention towards the copy of the Aadhar Card wherein the name of the present applicant is mentioned as Shekhar Nandurao Tathod. He also placed reliance on Udyam Registration Certificate wherein also his name is mentioned as Shekhar Nandurao Tathod. He submitted that the present applicant not all concerned with the ownership of the said tractor. In view of that, he be protected by granting ad-interim anticipatory bail.

3. Learned APP strongly opposed for the same on the ground that the recitals of the FIR discloses the name of the present applicant and shown to be owner of the said tractor and the tractor driver fled away from the spot of incident, therefore his custodial interrogation is required.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals the name of the tractor owner is mentioned as Chandrashekhar Tathod, whereas the document filed on record shows the name of the present applicant Shekhar Nandurao Tathod. At this stage, immediate custodial interrogation of the present applicant is not required. Moreover, the allegation shows that it was the driver

of the tractor, who fled away from the spot of incident. Considering the same, at this stage, the applicant has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of the arrest in connection with Crime No.54/2025 registered with Police Station, Khallar, District Amravati Rural for the offence punishable under Sections 303(2), 132, 238(c) and 352 of the Bharatiya Nyaya Sanhita, 2023, the applicant **Shekhar Nandurao Tathod** shall be released on ad-interim anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) 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.

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

5. Learned APP waives notice for the State.

6. Stand over after **two weeks**.

(URMILA JOSHI-PHALKE, J.)