



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

CRIMINAL APPLICATION (ABA) NO.255 OF 2025
(Shekhar Nandurao Tathod Vs. The 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. P.V. Navlani, Advocate for the applicant.
Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 29, 2025.

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. Learned Counsel for the applicant 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 mis-identity 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. Thus, considering all these facts, he prayed for 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. He is the 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 investigation papers, as far as the investigation as to the present applicant is the same person whose name is also Chandrashekhar, no investigation is carried out. The documents filed on record shows that the name of the present applicant is Shekhar Nandurao Tathod. At this stage, immediate custodial interrogation of the present applicant is not required. The tractor is already taken by the driver of the said tractor. As far as the ownership of the said tractor is concerned there is no material to connect the present applicant to show that he is the owner of the said tractor. Considering the same, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Shekhar Nandurao Tathod 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, be released on anticipatory bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety of 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 cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)