



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

11 ANTICIPATORY BAIL APPLICATION NO. 1906 OF 2024

Gajanan Baliram Wallad

....Applicant

VERSUS

The State of Maharashtra

.....Respondent

Mr. D. B. Kale, Advocate for Applicant.

Mr. G. O. Wattamwar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 8th JUNE, 2026.

PER COURT :

1. Applicant has preferred this application for pre-arrest bail in connection with Crime No. 345/2024 registered with Pathri Police Station, District Parbhani, for the offences punishable under Sections 353, 333, 332, 326, 379, 143 and 147 read with Section 149 of the Indian Penal Code.

2. In short, it is the case of the prosecution that on 11.06.2024, information was received by the Tahsildar, Pathri, with regard to the removal of sand from the bank of the river at village Gunj. When the officers went to the spot, they found some persons loading the sand into two tractors. The authorities sought those persons to stay away. The Tahsildar enquired with regard to the permit with the concerned

persons and as they replied in negative, the Tahsildar and others sought for the custody of the tractors. In the process, as alleged in the First Information Report, assault was caused by the co-accused on one of the authorities. There is allegation against the present applicant that he took away one of the tractors loaded with sand from the spot.

3. Learned counsel for the applicant submits that the applicant was granted protection by this Court by order dated 31.10.2024. According to him, he appeared before the Investigating Officer as and when required. According to him, the interim relief deserves to be confirmed in view of the fact that there is no incriminating evidence collected by the investigating agency against the present applicant. He further claims that the applicant has no criminal history and he is not likely to flee from justice.

4. Learned APP opposed the application by submitting that there are statements of witnesses indicating one of the tractors loaded with sand being taken away by the present applicant. It is his contention that merely because the applicant attended the concerned police

station, the same is not sufficient for investigation. He claims that the tractors is yet to be seized.

5. The offence came to be registered on 12.06.2024. There is no dispute about the fact that pursuant to the order passed by this Court granting interim protection on 31.10.2024, the applicant had attended the concerned police station. It is not expected that the applicant would do the job of the Investigating Officer. Pertinently, irrespective of the fact that the order of interim protection came to be passed in October 2024, application is not moved by the prosecution for cancellation of said order on account of non-cooperation on the part of the applicant. The applicant has no criminal history and he is not likely to flee from justice. Considering the aforesaid facts, there remains no reason for rejecting the application. In the result, application is allowed in terms of the interim relief.

(R. M. JOSHI, J.)

dyb