



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1368 OF 2025

TUKARAM MACHHINDRA VIKHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Narwade Narayan B.
APP for Respondents/State : Mr. S. A. Gaikwad
...

CORAM : MEHROZ K. PATHAN, J.
DATE : 25th MARCH 2026

PER COURT :

1. Heard the learned Counsel for the Applicant and the learned APP for the Respondents/State.
2. The Applicant has approached this Court, seeking anticipatory bail application in connection with FIR No. 532 of 2025 registered with Shevgaon Police Station, District Ahilyanagar for the offences punishable under Sections 303(2) and 324(4) of the Bharatiya Nyaya Sanhita, 2023.
3. The case of the prosecution is that the informant, Deepak Haribhau Karkhile, Tahsildar of Shevgaon Tahsil Office, reported that when he, along with his office team, was taking action to prevent unauthorized excavation of minerals on 03.06.2025 at about 3:00 a.m. on Shevgaon–Miri Road, one white dumper (truck) bearing No.

MH-12 Axx 2970 was found transporting two brass of sand without authorization. The informant and the squad team caught the said dumper and sent it to the Tahsil Office, Shevgaon. It is alleged that CCTV cameras are installed in the said Tahsil Office, and from 03.06.2025 at about 3:00 p.m. until 16.06.2025 at about 2:45 a.m., the dumper was parked in the Tahsil Office, Shevgaon. However, without any permission or order of the appropriate authority, the applicant/accused broke the lock of the gate of the Tahsil Office and stole the said dumper. Therefore, the informant lodged an FIR against the applicant/accused.

4. The learned Counsel for the Applicant submits that this Court, vide order dated 07.08.2025, had protected the Applicant subject to the conditions that he shall attend the police station, cooperate with the investigation, and provide his contact details to the Investigating Officer. The learned Counsel submits that on every Monday, the Applicant has attended the police station and has cooperated with the investigation. The investigation is complete and the custodial interrogation of the Applicant is not necessary.

. The learned Counsel further submits that the vehicle number mentioned in the FIR does not indicate that it is a dumper. The registration number stated in the FIR pertains to a Maruti Omni vehicle. There is nothing on record to show that the Applicant is in any way connected with the ownership of the said vehicle. The allegations in the FIR also do not state that the Applicant was found on the spot while committing sand theft. There is no evidence to

connect the Applicant with the said crime. The Applicant is not having any criminal antecedents and is ready to abide by any conditions that may be imposed by this Court. Hence he may be released on anticipatory bail.

5. As against this, the learned APP strongly opposes the present application on the ground that the Applicant is involved in the serious offence of vehicle theft from the premises of the Tahsil Office. The Applicant is found to be connected with the said crime, being directly named in the FIR. The CCTV footage of the incident, showing the breaking open of the lock and removal of the vehicle, has been captured. Although the said CCTV footage does not clearly show the appearance of the person, the possibility of the Applicant having engaged some persons to take away the vehicle from the premises of the Tahsil Office cannot be ruled out. As such, custodial interrogation of the Applicant is necessary to unearth the entire conspiracy behind the removal of the vehicle from the premises of the Tahsil Office. Hence, this is not a fit case to grant anticipatory bail to the Applicant, and the said application may therefore rejected.

6. I have gone through the investigation papers made available by the learned APP. A perusal of the same shows that the investigation is complete. The panchanama dated 03.06.2025 regarding the detention of the vehicle and its being kept at the premises is on record; however, it does not bear the signature of the present Applicant, nor the driver allegedly caught transporting sand

illegally. In pursuance of the interim order dated 07.08.2025, the Applicant has attended the police station, and there are no allegations of any violation of the conditions imposed by this Court.

. Be that as it may, these observations are prima facie in nature and made only for the purpose of deciding the present application, and they shall not influence the trial Court. The apprehension of the learned APP can be taken care of by imposing stringent conditions on the Applicant. Since the Applicant has cooperated with the investigation, I do not see any impediment in confirming the interim order. Hence the following order :

ORDER

- (i) The application is allowed.
- (ii) The interim order dated 07.08.2025 is hereby confirmed.
- (iii) The Applicant is directed to attend Shevgaon Police Station, District Ahilyanagar on 1st, 2nd, 8th, 9th, 15th and 16th April of 2026 between 11:00 am. to 01:00 pm. and thereafter as and when called by the Investigating Officer till filing of the charge-sheet.
- (iv) The Applicant is directed not to tamper with the evidence and shall not threaten the complainant or the other witnesses.
- (v) The Applicant shall attend the trial on each and every date unless so exempted by the trial on emergency conditions.
- (vi) The Applicant shall submit his Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

(vii) A single violation of the aforesaid conditions, would entitle the prosecution to seek cancellation of bail of the Applicant on that ground.

(viii) With the aforesaid directions, the application is disposed of.

MEHROZ K. PATHAN
JUDGE

NATJEEB..