



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

CRIMINAL APPLICATION [ABA] NO.165 OF 2026

[Shaikh Moinuddin Shaikh Ajimuddin .vs. State of Maharashtra, Through Police Station Officer, Police Station Khamgaon Rural, District-Buldhana]

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

Court's or Judge's orders

Mr. V.R. Borkar, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-Applicant.
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CORAM : RAJNISH R. VYAS, J.

DATE : APRIL 18, 2026.

1. Heard.
2. The original accused no.1 had approached this court praying for anticipatory bail in connection with Crime No.0042/2026 registered with Khamgaon Rural Police Station, District-Buldhana.
3. In short, it is the case of the informant Ganesh Suresh Sangle, who was working on the post of Junior Engineer with Man Project that on 21.1.2026 at about 12.10 am, information was received regarding illegal excavation of murum in mouza Deoulkhed and he along with other members of flying squad reached on the spot of the incident which was near the agricultural field of Narayan Gavale. At that time, JCB machine bearing No.MH-56-A 1823 was found excavating the murum. It was alleged that the driver of the tractor ran away and driver of JCB vehicle also fled away from the spot. On being enquired from the cleaner/assistant of the JCB machine, he disclosed that JCB machine is owned by the applicant. It is in these background after seizure of the said JCB machine, the first information report

was lodged. It was alleged in the first information report that the cost of the mineral was Rs.20,000/-.

4. The learned counsel for the applicant has contended that though he is the owner of the vehicle in question, but the vehicle was given on rent to an agriculturist for the field work. He was not aware that the JCB machine used for this work. He submits that he has no criminal antecedents.

5. Per contra, the learned APP has opposed the application on the ground that the applicant is the owner of the JCB machine which logically follows that he was aware about the purpose for which the machine would be used. He submitted that the application be rejected.

6. With the assistance of the respective counsels, I have given my thoughtful consideration to the argument advanced.

7. This court, vide its order dated 5.3.2026, has granted ad-interim anticipatory bail to the applicant by which he was directed to attend the Police Station. It is not the case of the State that the applicant has not attended the Police Station. It is also not in dispute that the present applicant was not on the spot and the alleged driver ran away from the spot. The applicant has no criminal antecedents. The revenue proceedings are also initiated against the present applicant and JCB machine was seized. The investigation of the crime, as per the learned APP, is on the verge of completion. Considering the aforesaid fact, I am inclined to pass the following order :

ORDER

(i) In the event of arrest, in connection with Crime No.0042/2026 registered with the Khamgaon Rural Police Station, District-Buldhana for the offences punishable under

Sections 303(2) and 324(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 21(1) and 21(2) of the Mines and Minerals (Regulation and Development) Act, 1957, the applicant be released on bail on furnishing a P.R. Bond of Rs.50,000/- (Rupees-Fifty Thousand only) with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station on 25.04.2026 and 26.04.2026 between 10.00 am to 1.00 pm. and thereafter as and when required by the Investigating Officer.

(iii) The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.

(iv) The applicant shall not leave India without prior permission of this court.

(v) Application stands disposed of.

(RAJNISH R. VYAS, J.)