



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

CRIMINAL APPLICATION (ABA) NO.218 OF 2026

Maksud s/o Juber Ansari Vs. State of Maharashtra

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

Court's or Judge's orders.

Shri V.V. Dahiwale, Advocate for applicant.
Shri S.B. Bissa, AGP / APP for respondent/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 24.04.2026.

1. Apprehending arrest in connection with Crime No.1007/2025 registered with Police Station Bori, Nagpur Rural for the offence punishable under Sections 303(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023, Section 3 of the Prevention of Damage to Public Property Act, 1984, Section 4, 21 of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 48(8) and 48(7) of the Maharashtra Land Revenue Code, 1966, the applicant/accused no.1 has approached this Court.

2. Informant is one Govind Gajanan Badwaik, who was Police Patil of village Waranga. It was alleged in the First Information Report that one Tulshiram Irpate telephonically informed the informant on 01.10.2025 at about 11:00 pm that he saw some tractors proceeding towards the river. The informant alongwith other persons then went near the river and found that in two tractors, the labourers were loading the sand. The trollies attached to the tractors were not

bearing any registration number. When the informant asked them to produce the licences, they did not show. As the informant came to know that it was a case of illegal excavation, he informed the police officer attached to Police Station, Bori. The police officer told the informant that a team would reach to the spot of incident. At that time, applicant reached the spot of incident and took the tractors alongwith the sand by resisting the informant. The same fact was narrated by the informant to the police party when it reached the spot of incident. It is in this background criminal law was set in motion.

3. The learned counsel for the applicant has argued that he is neither the owner nor possessor of the vehicles involved. He further submitted that in the First Information Report it is stated that the applicant was a driver; whereas, in the say filed before the Session Court it was stated that the owner and the labourers of the tractors, took the vehicle from the spot. According to him, in a say submitted, the name of applicant did not reflect in column no.10. He thus submitted that the applicant is innocent and he be released on anticipatory bail.

4. Per contra, the learned APP has argued that though the applicant is not a registered owner of the vehicle in question but one Urmila Pramod Dhurve, wife of the registered owner of the tractor has stated that the original owner had died in the 2025. She stated that tractor bearing

registration no.MH40L5402, was sold by her husband before 10 years to the applicant. The learned APP further submitted that one offence of similar nature is registered against the applicant regarding the theft of sand.

5. In this background, with the help of the respective counsels, I have gone the record of the case. The First Information Report is clear that the Police Patil of village Warnga has received the information regarding excavation of the sand and he alongwith the others visited the spot of the incident wherein tractor was being loaded with the help of labourers. When the licence was asked, it was not shown to the informant. The informant then immediately contacted the concerned police station, at that time, the applicant came and took away the tractor loaded with sand and the labourers. The allegations thus are very specific. It cannot be ignored that similar type of offence is registered against the present applicant. Further, statement of Urmila Dhurve, wife of the owner of the tractor, shows that the tractor was sold to the applicant before 10 years. So far as contention of the applicant that his name is not mentioned in column no.10, it is necessary to mention that said column deals with summary of offence only. Since, prima facie case is available against the applicant, I am not inclined to allow the application. Accordingly, the application stands rejected.

(Rajnish R. Vyas, J.)

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