



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

**CRIMINAL APPLICATION (ABA) NO. 199 OF 2026**

SUBHASH SURESH CHAWARE  
VS  
STATE OF MAHARASHTRA THR PSO., KHAMGAON GRAMIN, DIST. BULDHANA

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri A.V.Karnavat, Advocate for applicant.  
Shri S.B.Bissa, APP for respondent/State.

**CORAM: RAJNISH R. VYAS, J.**

**DATED : 17<sup>th</sup> APRIL, 2026.**

Apprehending the arrest, the applicant/original accused no. 2 has preferred this application for the grant of anticipatory bail in connection with First Information Report/Crime No. 42/2026, dated 05/02/2026, registered with Police Station Khamgaon (Rural), District Buldhana for the offence punishable under Sections 303(2), 324(3) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS') and Sections 21(1) & 21(2) of Minerals and Mines Act. The FIR was registered at the instance of informant-Ganesh Suresh Sangale.

2. In short, it is alleged in the FIR that, when the informant who was occupying the post of Jr. Engineer at Man Project, he found that some Murum was excavated and loaded in two Tractors. The spot of incident was near the agricultural field of one Narayan Amruta Gawhale. When the flying squad visited the spot, they found one JCB Machine on the spot, whereas the two Tractors were driven away by the Drivers and therefore, they could not



be seized. On necessary enquiry, the informant came to know that one of the Tractors was of Sonalika Company and owned by the present applicant.

3. In this background, learned counsel for the applicant has contended that, the FIR is bereft of any details regarding the vehicle involved qua the present applicant. He submitted that, neither the applicant was present on the spot nor the Drivers who were allegedly driving the Tractors, were arrested. According to him, the Tractors were not found on the spot. Thus, he requested to allow the present application.

4. Per contra, Learned APP for the State has contended that the eye witness to the incident has categorically stated that, the excavation of Murum was carried out with the help of JCB Machine and the Murum was loaded in two Tractors. According to the eye witness, one of the Tractors was of Sonalika Company and was owned by the present applicant. He therefore, requested for rejection of the application.

5. I have gone through the record of the case. The FIR was registered on 05/02/2026, whereas the incident in question had taken place on 21/01/2026. A delay in lodging the FIR is not explained by the investigating agency. Even otherwise, neither the applicant was present on the spot, nor the Tractors were found on the spot. The prosecution, through the investigating agency, has not made any effort to show that the applicant was the owner of the Tractor which was of Sonalika Company. This Court



vide order dated 13/03/2026 had granted ad-interim anticipatory bail to the applicant, with a direction to him to attend the concerned police station. The applicant submits that he has attended the concerned police station, which fact is not countered by the Learned APP.

6. In view of the aforesaid discussion and considering the fact that, the Murum and JCB Machine are already seized, I am inclined to pass following Order :-

### ORDER

- i) The Criminal Application (ABA) is **allowed**.
- ii) The order passed by this Court dated 13/03/2026, granting ad-interim anticipatory bail, is confirmed.
- iii) In the event of arrest, in connection with Crime No. 42/2026, dated 05/02/2026, registered with Police Station Khamgaon (Rural), District Buldhana for the offence punishable under Sections 303(2), 324(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 21(1) & 21(2) of Minerals and Mines Act., the applicant shall be released on furnishing a P.R. bond of Rs. 55,000/- (Rupees Fifty Five Thousand Only) with one solvent surety in the like amount.
- iv) The applicant shall attend the concerned Police Station on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> of April, 2026, between 12.00 p.m. to 02.00 p.m. and thereafter, as and when called by the Investigating Officer.
- v) The applicant shall not tamper with the prosecution



evidence or influence the witnesses and remain present on each and every date of the Trial.

vi) The applicant shall not leave the India without prior permission of the Court.

vii) Accordingly, the Application stands **disposed of**.

(RAJNISH R. VYAS, J.)

*B.T.K.*