

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

CRIMINAL APPLICATION (APPP) NO. 740 OF 2019
IN
CRIMINAL APPLICATION (ABA) NO. 113 OF 2019

(Shaikh Washim S/o Abdul Razzak Vs. State of Maharashtra)

Office Notes, Office Memoranda of
 Coram, appearances, Court's Orders
 or directions and Registrar's order

Court's or Judge's Order

Shri A. D. Sonak, Advocate for the non-applicant/State

CORAM : M. G. GIRATKAR, J.

DATE : 29/11/2019

Heard Shri A. D. Sonak, learned APP for the non-applicant/State. He has pointed out final order dated 29.03.2019, by which interim bail granted by this Court on 25.02.2019 is confirmed. While granting interim bail, this Court has observed that sand was already unloaded by the applicant/accused. It is also observed that tractor number and name of the driver was not mentioned in the First Information Report (for short the "FIR") and, therefore, interim bail was granted. While confirming interim bail vide order dated 29.03.2019, this Court has observed that the tractor is already seized. By the present application, the prosecution is seeking modification in the order.

Shri Sonak, learned APP for the non-applicant/State has submitted that seizure of the tractor is necessary for the investigation. It is pertinent to note that as per the FIR, no number of the tractor and name of the applicant/accused was shown. As per the order of Sessions Court, Achalpur dated 13.02.2019, it is observed that the applicant had taken away the tractor and while going, he unloaded the sand upto 100 meters. Therefore, seizure of tractor from the applicant/accused for the investigation is not required.

Hence, the criminal application is **rejected**.

JUDGE

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