

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 5770 OF 2015

SACHIN PRAKASHRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr. Arvind Deshmukh.
APP for Respondent : Mrs. M. A. Deshpande.

...

CORAM : **INDIRA K. JAIN, J.**

DATE : 03rd December, 2015.

ORAL ORDER:

. This is an application for pre-arrest bail in Crime No.142 of 2014 registered at Gangakhed Police Station, District Parbhani for the offences punishable under Sections 379 and 188 of the Indian Penal Code and Sections 47 and 48 of the Mining and Minerals Act.

2 Heard learned counsel for the parties. Perused papers of investigation.

3 The allegations as appear in FIR are in relation to unauthorized excavation of sand. No specific role is attributed to Applicants in FIR. In the order passed by the Revenue Authorities

there is no reference to the names of Applicants.

4 Applicants are the suppliers of JCB machines. Learned APP submits that JCB machines were seized and custody of those machines have been handed over to Applicants.

5 In the absence of specific allegations against Applicants in FIR, in the order of Revenue Authorities and considering the nature of offences and severity of punishment this Court is inclined to allow the application. Hence the following order –

ORDER

- I. Criminal Application No.5770 of 2015 is allowed.
- II. In the event of arrest of Applicant No.1 Sachin Prakashrao Deshmukh and Applicant No.2 Vishwajeet Manoharrao Budhwant in Crime No.142 of 2014 registered at Gangakhed Police Station, District Parbhani for the offences punishable under Sections 379 and 188 of the Indian Penal Code and Sections 47 and 48 of the Mining and Minerals Act, they be released on bail

on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) each.

- III. They shall not tamper with the prosecution evidence and shall make themselves available as and when required by the Investigating Agency for investigation.

[INDIRA K. JAIN, J.]

ndm