

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.328 OF 2015

Mangesh Tanajirao Patil	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Pratap Patil, for the Applicant.
Mr. Arfan Sait, APP for Respondent – State.
IO. Anilkumar Gadivad, Police Naik, Kolhapur police station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JUNE 24, 2015**

P.C.:

. The application is moved for pre arrest bail under Section 438 of Code of Criminal Procedure. The applicant/accused is facing charges for the offences punishable under Section 467, 468, 420 and 379 read with 34 of the Indian Penal Code and Section 48 of the Land Revenue Code.

2. It is the case of the prosecution that the Circle Officer of Ajara was informed that four trucks which were found carrying quartzite minor minerals are seized and it is necessary to verify the royalty papers about the same. On verification of the document, it was found that three trucks transporting quartzite minor minerals were without permission and one

truck was holding permission of the Government without having any stamp and seal of the Government office. The applicant/accused being the owner of those trucks is prosecuted along with the truck driver.

3. The learned counsel for the applicant/accused submitted that the applicant/accused is a Contractor and licence holder of the quartzite minor minerals had paid the royalty of these minerals. He submitted that he is not aware that one paper permit. It is not created by him and he is innocent.

4. The learned prosecutor opposed the bail application. He submitted that there is one permit which is used by one of the truck driver as a true document though there is no seal or stamp on the same. He submitted that police want custody of the applicant/accused to find out from whether this document procured and so also apart from these trucks how many trucks were used for the purpose of transporting quartzite minor minerals is without permit.

5. Perused the first information report. The quartzite minor minerals was seized by the police. Three trucks were found transported without necessary permit and only one piece of paper which was found as

a permit with one of the truck owner was without any stamp or seal. The said document is seized from the driver of the truck. The royalty for excavation of the quartzite minor minerals is already paid by the licence holder. In view of this no custody is required.

6. Hence, I confirm the interim bail order on the condition of attendance on every Monday between 6.00 pm to 7.00 pm. for one month.

(MRS.MRIDULA BHATKAR, J.)