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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.880 OF 2015

Jaywant Madhavrao Patil and Anr.	... Applicants
Vs	
The State of Maharashtra	... Respondent

Mr.Dhananjay Rananawate, for the Applicants.

Ms.S.S.Pednekar, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 24th AUGUST, 2015

P.C. :

1. Heard learned counsel for the Applicants and learned APP for the Respondent - State.

2. By this Application, the Applicants seek pre-arrest bail, in connection with C.R. No.67 of 2015, registered with the Vaduj Police Station, Satara, for the alleged offences punishable under Section 395 of the Indian Penal Code and Sections 21, 23, 24 of Mines and Minerals Act,

1957.

3. The complaint/FIR has been lodged by the Talathi of Village Pimpari, Taluka – Katar, Satara. On 3rd May, 2015, three tractors and one JCB were found transporting sand worth Rs.75,00,000/- from the bed of Yerala River at Village Pimpari.

4. The Applicant No.1 is the owner of one Tractor bearing No.HR SIF 8632. The fact that the tractors were seized from the spot is not disputed by the Applicant no.1. As far as the Applicant no.2 is concerned, according to the learned APP, one of the trucks was initially standing in the name of Mr.Popat Chavan which was subsequently transferred in the name of Applicant no.2 and thus he too was the owner of the tractor which was seized from the spot. The learned counsel for the applicants state that the applicants were not present on the spot and that they had no knowledge of the said activities. He submitted that the applicants have attended the concerned police station and as such their custody is not required.

5. Learned APP states that the applicants have attended the

concerned police station. On instructions, he states that the applicants have no antecedents. In the facts of the present case, the applicants deserve to be granted anticipatory bail on the following terms and conditions :-

ORDER

- i) In the event of arrest, the Applicants be enlarged on bail on furnishing P.R.Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount ;
 - ii) The Applicants shall attend Vaduj Police Station, Satara on the first Saturday of every month from 10.00 a.m to 11.00 a.m. for a period of 12 months from today ;
 - iii) The Applicants shall not indulge in similar activities in the future ;
 - iv) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case.
6. The Application is allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are prima-facie and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. Parties to act upon the authenticated copy of this order.

REVATI MOHITE DERE, J.