

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

ANTICIPATORY BAIL APPLICATION NO.1113 OF 2015

Pintu @ Krishna Jaggannath Patole

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. D.D. Rananware for the Applicant.

Ms Veera Shinde, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 23rd NOVEMBER, 2015.

P. C. :

This is an application for anticipatory bail filed by the Applicant herein in apprehension of his arrest in Crime No.40 of 2015 registered with Pusegaon Police Station, Dist. Satara for the offences punishable under sections 395 of the IPC and Sections 21, 23 and 24 of the Mines and Minerals (Development and Regulation) Act, 1957.

2. Heard the learned counsel for the Applicant and learned APP for the Respondent-State.

3. I have perused the records and considered the submissions

advanced by the learned counsel for the respective parties. The allegations against the Applicant are that he alongwith the other co-accused was trying to excavate the sand illegally without permissions of the concerned authorities. The records further reveal that the tractor trolley of the other co-accused were filled with sand. There is no prima facie material to show that the tractor trolley of MH 11 U 7964 belonging to the present Applicant was filled with sand or the Applicant had excavated sand. Even otherwise the tractor trolley has already been sealed and was subsequently released by the order of the learned Magistrate.

4. Under the circumstances, in my considered view this is not a case which would warrant custodial interrogation of the Applicant. The Applicant is the native of Khatav, Dist. Satara and hence, there are no chances of the Applicant absconding and fleeing from the justice. Considering the above facts and nature of the allegations levelled against the Applicant, this is a fit case for anticipatory bail. Hence, the anticipatory bail application is allowed on the following terms and conditions:

i) In the event of arrest of the Applicant in C.R.

No.40 of 2015 registered at Pusegaon Police Station,

Dist. Satara, the Applicant be released on bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Vaduj.

ii) The Applicant to report to the Investigating Officer for four days between 10.00 a.m. to 1.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(ANUJA PRABHUDESSAI, J.)