

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1310 OF 2015

Gorakh Jagannath Jagtap .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.D.D.Rananaware, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest 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, 1870
and under Sections, 21, 23 & 24 of the Mines &
Minerals (Development & Regulation) 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. Learned counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused have been enlarged on bail by this Court vide order dated 24.08.2015. He submits that admittedly, the name of the present applicant is not mentioned in the FIR. He states that the applicant had purchased the said tractor from one Bhau Pandurang Godse on 29.03.2015. Admittedly, the applicant was not present on the spot and that the tractors found transporting sand from the bed of Yerala river were seized on the spot. Learned counsel for the applicant states that the applicant has no antecedents.

5. Considering the nature of allegations and the fact that similarly placed co-accused have been granted pre-arrest bail vide order dated 24.08.2015, the applicant deserves to be granted anticipatory bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount;

(ii) The Applicant 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 Applicant shall not indulge in similar activities in the future;

(iv) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)