

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 840 OF 2015**

Amol Martand Borade & Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Hemant P. Ghadigaonkar for the Applicants

Ms. S. S. Kaushik, A.P.P for the Respondent-State

Asst. Mr. K. K. Totre from Kawade Police Station is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 7th MAY, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R No. I-14 of 2015 registered with the Tokawade Police Station, Thane, for the alleged offences punishable under Section 379, 286 of the Indian Penal Code; under Sections 3 and 5 of the Explosive Substance Act; under Sections 51/177, 130(3), 177 of the Motor Vehicles Act and under Section 84(7) of the MLRC Act, 1966.

3. Pursuant to information received on 24th March, 2015, the first informant along with the other Revenue Officers raided the spot and seized two tractor compressors and arrested the compressor owner and the operator. During the raid, three tractors and trolley containing the dabber stones were also found.

4. Learned Counsel for the applicants submitted that it is alleged by the prosecution that illegal quarrying activities were going on and that explosives were found in the rock. He submitted that as far as the applicants are concerned, they are the drivers of the tractors and had no knowledge of the illegal activities. He submitted that the responsibility of seeking permission was that of the owners and that the applicants had no knowledge of the same. He submits that the applicants are in custody since the date of their arrest i.e. from 24th March, 2015.

5. Learned A.P.P does not dispute the fact that the applicants are the drivers of the tractors. Considering the material on record, *prima facie*, it cannot be said that the applicants had knowledge of the illegal quarrying activities that were going on.

6. Considering the material on record and the fact that the applicants are in custody since the date of their arrest i.e. from 24th March, 2015, the applicants are enlarged on bail on the following conditions:

ORDER

- (i) The applicants be enlarged on bail in connection with C.R. No. I-14 of 2015 registered with the Tokawade Police Station, on executing PR Bond in the sum of Rs. 10,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall attend the Tokawade Police Station on every Sunday between 11:00 a.m. to 12:00 noon, till the filing of the charge-sheet;
- (iii) The applicants shall not tamper or attempt to contact any witness concerned with the case;
- (iv) The applicants shall inform their latest place of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Tokawade Police Station;

- (v) The applicants to cooperate with the conduct of the trial;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

7. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.