

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1507 OF 2015

Anil Mothabhay Sonawane & Anr. ..Applicants

v/s.

The State of Maharashtra. ..Respondents

Mr. Chetan Damre i/b. Aniket Nikam for the Applicant
Mrs. R.V. Newton, APP for the Respondent/State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 24, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.I-135 of 2015 registered with Satana Police Station, Nashik for the offence punishable under Sections 307, 353, 379, 332, 427, 341 r/w. 34 of the Indian Penal Code and Section 3 and 4 of the Mines and Minerals Act.

2. Heard learned counsel for the applicant and the learned APP for

the State. I have perused the records and considered the submissions advanced by the counsel for the respective parties.

3. The records prima facie reveal that one Popat Motigir Gosavi, Circle Officer, Satana had lodged a complaint dated 26.5.2015 stating that he had received information that some persons were extracting sand from the bank of Girna River. The FIR reveals that the complainant was a member of flying squad and they had seen one tractor and trolley without number plate carrying sand. They stopped the tractor and the driver had disclosed his name as Manoj Shilavate and he disclosed that the applicant herein was the owner of the said tractor. The complainant had stated that they had seen the tractor with sand and when they had instructed the driver to take the tractor to the Revenue Office, he refused to take it to the said office and tried to run away with the tractor.

4. The FIR does not prima facie reveal that the accused was in any manner involved in committing the offence under Section 307 of the I.P.C. The other offences are not so grave or serious as to justify custodial interrogation. The applicant is a permanent resident of Nashik and there is no possibility of the applicant absconding.

Considering the above facts, the applicant is ordered to be released on bail on the following terms:

- I) In the event of arrest of the applicant in C.R.No.I-135 of 2015 of Satana Police Station, Nashik, the applicant be released on bail on the applicant furnishing bail bond of Rs.20,000/- with one or two solvent sureties in the like amount, to the satisfaction of the JMFC, Satana, Nashik.
- ii) The applicant shall report to the Investigating Officer for seven days from 10.am. To 1.p.m. and further as when required by the Investigating Officer for the purpose of investigation and interrogation.
- iii) The applicant shall not leave Nashik District without prior permission of the JMFC, Satana, till the filing of the chargesheet.

(ANUJA PRABHUDESSAI, J.)