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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.869 OF 2016

Yuvraj Kamlakar Phadtate and Anr.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.639 OF 2016

Sagar Datttraya Gaikwad	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Sanjeev P. Kadam, with Mr.Prashant Raut for the applicant in ABA/869/2016.

Mr.Kalpesh U. Patil for the applicant in ABA/639/2016.

Mr.Y.M. Nakhwa, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. Applicants / accused in Crime No.9/2016 for offences punishable under section 395 of the Indian Penal Code and under sections 21, 23, 24 of the Mines and Minerals (Development and Regulation) Act, 1957 and sections 13 and 15 of the Environment Protection Act, 1986 registered with Pusegaon Police Station, District Satara by these applications

are seeking pre-arrest bail.

2. Heard learned counsel for both applicants / accused. They unanimously submitted that the vehicles owned by applicants were hired by some local villagers and ultimately, it was found that sand was being transported in the said vehicles without any transit pass.

3. The learned APP opposed both applications by saying that offence is serious and effecting the environment.

4. Perused the papers of investigation. It is seen therefrom that applicants / owners of vehicles had rented out their vehicles at the request of Somnath Lavand and Mahesh Patil and others. Nothing is pointed out to show that applicants who are owners of the vehicles were aware that their vehicles would be used for transporting minor minerals without the requisite transit permission. The learned counsel for applicants submitted that accused persons who took the vehicles are already granted anticipatory bail by the learned Additional Sessions Judge.

5. Considering the role of the present applicants, in the crime in question, their liberty needs to be protected and as such the order :-

- (i) Both applications are allowed;
- (ii) In the event of arrest, applicants / accused in Crime No.9/2016 for offences punishable under section 395 of the Indian Penal Code and under sections 21, 23, 24 of the Mines and Minerals (Development and Regulation) Act, 1957 and sections 13 and 15 of the Environment Protection Act, 1986 registered with Pusegaon Police Station, District Satara be released on bail on their executing P.R. bond in the sum of Rs.10,000/- each with one or more surety in the like amount by each of them;
- (iii) As a condition of this order, applicants / accused shall attend Pusegaon Police Station, District Satara on 24th July, 2016 between 11.00 a.m. to 1.00 p.m. and as and when reasonably called by the Investigating Officer and shall co-operate with the Investigating Officer;

- (iv) Applicants / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that they shall not tamper with the evidence;
- (v) Applicants / accused shall not commit an offence of similar nature particularly involving their vehicles to illicitly transport minor minerals;
- (vi) Both applications are disposed of accordingly.

(A.M.BADAR, J.)