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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1016 OF 2016

Yallappa Ganapati Koli and Anr.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.1017 OF 2016

Balaji Dagadu Malage and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.S.S.Chaudhari for applicants.

Mr.Deepak Thakery, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 4TH JULY, 2016

P.C. :-

1. Heard.
2. Perused the papers of investigation.
3. The F.I.R. came to be lodged by Talathi Pandurang Rajaram Dhanawade which resulted in registration of crime in question for offence punishable under section 379 read with 34 of the Indian Penal Code and under section 9 and 15 of the Environmental Protection Act, 1986 with Mangalwedha Taluka

Police Station, Solapur. The F.I.R. shows that the Talathi made inquiries from some persons in the village, who disclosed him that present applicants along with others are engaged in theft of sand from the river bed. The Investigating Officer has recorded statements of several revenue officials which reflects their hearsay version that present applicants and others are committing theft of sand.

4. In this view of the matter, as there is no first-hand information with regard to implicating applicants / accused in the crime in question, custodial interrogation of applicants is not warranted. Hence the order :-

- (i) Both applications are allowed;
- (ii) The order dated 20th June, 2016 granting ad-interim anticipatory bail to applicants are hereby confirmed on the same terms and conditions;
- (iii) In addition, applicants shall attend the Investigating Officer on 10th July, 2016 between 11.00 a.m. to 1.00 p.m. and co-operate with the investigating Officer;
- (iv) Both applications are disposed of accordingly.

(A.M.BADAR, J.)