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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1308 OF 2016

Baban Bhagu Varve	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Vishal L. Kolekar, for the Applicant.
Ms. R. M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 9th AUGUST, 2016.

P.C. :

1. The applicant/accused, in crime No.55 of 2016, for the offence punishable under Sections 379 of the Indian Penal Code, registered with Lonavala Police Station, District: Pune, at the instance of Section Officer of Water Resources Department namely Manohar Khade, by this application is seeking pre-arrest bail.
2. The learned APP opposed the application by contending that the informant has categorically named the applicant as person who has stolen minor minerals.
3. Perusal the F.I.R. as well as papers of investigation. The F.I.R. of the incident dated 6.3.2016, is lodged by the informant who is Government Officer on 25.4.2016. The F.I.R. does not contain any

explanation as to why there is delay in lodging F.I.R. Careful perusal of the F.I.R. shows that the informant had not personally seen the present applicant stealing minor minerals from the Government land. Statements of witnesses recorded during investigation, go to show that they are informed about the present applicant stealing minor minerals. The prosecution has placed on record registration particulars of vehicle as mentioned in the F.I.R. is standing in the name of Tosif Shaikh.

4. In this view of the matter, custodial interrogation of the present applicant is not warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) In the event of arrest of the applicant, in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.10,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the concerned police station on every Saturday in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.
- V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]