

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1366 OF 2015

Anandrao Ramu Yadav .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.P.Mundargi, Senior Counsel i/b. Mr.A.B.Thorat,
Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. Vide order dated 11.09.2015 the Applicant
was granted interim protection.

3. By this Application, the Applicant seeks
pre-arrest bail in connection with C.R.No.348 of
2015 registered with the Satara City Police
Station, Satara, for the alleged offences

punishable under Sections 379 r/w.34 of the Indian Penal Code, 48(7) and (8) of the Maharashtra Land Revenue Code, Section 136 of the Maharashtra State Electricity Act, Sections 3, 7 of the Essential Commodities Act and certain provisions of Motor Vehicles Act.

4. According to the prosecution, on 08.07.2015 at about 7.00 p.m., the Complainant-Sandip Mansingh Nalawade, Circle Officer, Khed received a call on his mobile from the Sub-Divisional Officer, Satara, informing him that the District Collector has received secret information regarding illegal excavation of sand on the shore of Krishna river, within the jurisdiction of Mahagaon village. Pursuant to the said information, the complainant and the Village Talathi reached the spot. The Collector, Deputy Revenue Collector, Sub-Divisional Officer, Tahsildar, Naib Tahsildar and other staff were present there. When the

complainant and the Talathi reached the spot, they learnt that when the District Collector was making inquiries, with regard to excavation of sand, the drivers of the vehicles fled from the spot, leaving the vehicles behind.

5. Learned counsel for the Applicant states that the Applicant has no concern with the alleged illegal excavation of sand done in Mahagaon Village. He submits that the land in question, where the excavation was going on, does not stand in the name of the Applicant nor do the trucks in which sand was carried, belong to the Applicant. He submitted that the Applicant is in possession of and is the owner of a land at Jaitapur, which is situated about 1 km away from the said spot. He submits that the Applicant possesses a license for carrying out sand excavation work on his land at Jaitapur.

6. Learned APP states that the statement of the driver, who was transporting sand shows that the Applicant had hired a truck and had paid him Rs.65,000/- for the same. On being questioned, she states that there are no antecedents qua the Applicant. The truck and the seized sand is already in the custody of the police.

7. In the peculiar facts & circumstances of this case, the Applicant is granted anticipatory bail on the following terms & conditions.

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Satara City Police Station, Satara **on every Saturday** between **10.00 a.m. and 11.00 a.m.** till the filing of the

charge-sheet;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately 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 concerned Police Station.

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

9. It is made clear, that the observations made herein, are *prima facie*, and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy
of this order.

(REVATI MOHITE DERE, J.)