

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1028 OF 2017**

Gautam Namdev Mane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Ms. Pranali P. Kakade for the Applicant

Mr. S. H. Yadav, A.P.P for the Respondent-State

ASI Mr. S.G. Garud from Natepute Police Station, Solapur, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 79 of 2017 registered with the Natepute Police Station, Solapur, for the alleged offences punishable under Sections 379 r/w 34 of the Indian Penal Code and under Sections 9 and 15 of the Environment Act and under Section 21(4) of the Mines and Minerals Act.

3. Learned Counsel for the applicant states that there are about 17 accused in the said case including the applicant. She submits that out of the

17 accused, 16 have been granted regular bail. She submits that the only allegation as against the applicant is that he is the owner of the truck along with accused Nos. 16 and 17, in which theft of the sand was committed. She submits that all the trucks have been seized and so also the sand valued at Rs. 96,000/-. She, therefore, submits that custodial interrogation of the applicant is not required.

4. Learned A.P.P states that the applicant has attended the concerned Police Station, pursuant to the direction vide order dated 23rd June, 2017. He does not dispute the fact that the applicant was not present at the time of the excavation. He also does not dispute that all the trucks have been seized and that the sand excavated is valued at Rs. 96,000/-.

5. Perused the papers. Admittedly, the applicant was not present at the spot at the time of excavation of sand. The applicant does not appear to be the owner of the truck. The trucks have been seized. The applicant has also attended the concerned Police Station as directed. In the facts, the custodial interrogation of the applicant is not required.

6. Considering the aforesaid, the application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing 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 concerned Police Station as and when called.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.