

nsc.

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

ANTICIPATORY BAIL APPLICATION NO.1241 OF 2017

1.	Mohsin Usman Shaikh	
2.	Dastgir Mahiboob Mulani	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.R.S.Kadam, for the Applicants

Mr.S.S.Hulke, A.P.P for the Respondent-State.

PN/1555 – Pradeep G. Parvate, Karmala Police Station, Solapur Rural.

CORAM : REVATI MOHITE DERE, J.

DATE : 1st AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 252 of 2017 registered with the Karmala Police Station, Solapur Rural, for the alleged offences punishable under Section 379 r/w 34 of the Indian Penal Code and under Section 15 of the

Environment Protection Act.

3. Learned Counsel for the applicants states that the applicants have been falsely implicated in the said case. He submits that the applicants are in the business of fishing and as such had gone to Ujani Dam Back Water for fishing purpose. He submitted that the applicants had parked their motorcycles at the bank of the river at a distance of about 1 ½ km, from where they had gone for fishing. He submitted that the applicants were not aware that at the said spot, co-accused – Bharat Markad and other unknown persons were excavating sand. He submitted that the applicants have no concern with Bharat Markad, who is absconding. He submits that the applicants have no antecedents. He further states that the applicants have handed over their mobile phones to the Investigating Officer.

4. Learned APP states that the applicants have handed over their mobile phones to the Investigating Officer. He fairly submits that the CDR records, do not show that the applicants were in touch with the co-accused either prior or after the incident.

5. Perused the papers. Merely because the applicants ran away from the spot, on seeing the Government officials, would not necessarily point to the guilt of the applicants. Except for running away from the spot, *prima facie*, there is no other material to connect the applicants, with the alleged offences. The applicants have no antecedents.

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

ORDER

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

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet or for a period of three months from today, whichever is earlier.

(iii) The applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing.

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* and are confined to this application.

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

(REVATI MOHITE DERE, J.)