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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1910 OF 2017

Mr. Dinesh Rohidas Jhure & Ors.

..Applicants.

Vs.

The State of Maharashtra

..Respondent

Mr. Kuldeep Patil for Applicants.

Mr. S.R. Agarkar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 19th September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-144 of 2017 dated 24.7.2017 registered with Roha Police Station, District- Raigad under Sections 379 r/w 34 of the Indian Penal Code.

2] It is the prosecution case that, the applicants were illegally excavating sand from river Kundalika at village Nhave, Taluka-Roha, District-Raigad. Revenue Officer along with witnesses conducted raid at the said spot and seized one suction pump and two brass of sand from the scene of offence and registered offence under Section 379 read with 34 of the Indian Penal Code, against the applicants.

3] Learned Counsel for the applicants submitted that maximum sentence, under Section 379 of the Indian Penal Code is three years and under the Mines And Minerals (Development and Regulation) Act of 5 years. He submitted that the applicants came to be arrested on 29.7.2017 and since then they are in jail. The record indicates that the investigation of the present crime is practically completed. Learned APP submitted that the applicant No.1 is also involved in a crime under Section 324 of the Indian Penal Code.

4] As the maximum sentence under Section 379 of IPC is 3 years and since the applicants are in jail since 27.7.2017, I am inclined to release the applicants on bail.

Hence the following Order:

(i) The applicants be released on bail in CR No.I-144 of 2017 registered with Roha Police Station, District-Raigad on on their furnishing PR bond of Rs.50,000/- each with one or two separate solvent local sureties in the like amount.

(ii) After their release from jail, the applicants shall attend the Roha Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.

(iii) The applicants shall also attend all the dates before the

Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

(vi) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)