

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2229 OF 2017

Matin Iqbal Jalal ...Applicant.

vs.

The State of Maharashtra ...Respondent.

WITH

BAIL APPLICATION NO.2235 OF 2017

Ridwan A.Rahiman Manikware ...Applicant.

vs.

The State of Maharashtra ...Respondent.

WITH

BAIL APPLICATION NO.2260 OF 2017

Javed Aamir Isane ...Applicant.

vs.

The State of Maharashtra ...Respondent.

Mr. Rajendra Sorankar for the Applicant in BA No.2228/2017.

Mr. K.S.Patil for the Applicant in BA No.2235 of 2017.

Mr. Amin Solkar for the Applicant in BA No.2260 of 2017.

Ms.A.A.Takalkar, APP. for the State in BA No.2229/2017, 2235/2017 & 2260/2017.

CORAM : A.S.GADKARI, J.

DATE : 10th October, 2017

P.C.

1. These are applications under Section 439 of the Code of Criminal Procedure for bail in CR No.21/2017 dated 12.4.2017 registered with Mahad Taluka Police, District Raigad under Section 379 read with 34 of the Indian Penal Code and under Section 21 of the Mines

and Minerals (Development and Regulation) Act .

2. It is the prosecution case that the applicants are the landlords/holders of the plot of land on which revenue authorities found illegally excavated dumping of sand from the banks of River Kal, Taluka Mahad, District Raigad. On specific information received by the revenue authorities a raid was conducted on the plot of land owned or held by the applicants herein. That, the said sand was 397 brass amounting to Rs.18,44,065/-, 465 brass amounting to Rs.21,59,925/-, and 397 brass amounting to Rs.18,44,065/- respectively. The present crime is registered on 12.4.2017 and during the course of investigation the applicants have been arrested on 13.9.2017.

3. The 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 13.9.2017 and since then they are in Jail. Learned APP. submitted that the applicants Martin and Javed have no antecedents at their discredit. After taking into consideration the fact that maximum sentence under Section 379 of the I.P.C. is 3 years and under Section 21 of the Mines and Minerals Act is 5 years, I am inclined to release the applicants on bail.

Hence, the following order.

- a) The applicants be released on bail in CR No 21 of 2017 dated 12.4.2017 registered with Mahad Taluka Police Station, District Raigad, on their furnishing PR bond of Rs.50,000/- each with one or two separate solvent local sureties in the like amount .
- b) After their release from Jail, the applicants shall attend the Mahad Taluka Police Station once in month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m.
- c) The applicants shall also attend all the dates before the Trial

Court.

- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- e) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.
- f) Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)