

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

ANTICIPATORY BAIL APPLICATION NO. 631 OF 2018

Anil Arvind Pawar & Ors. Applicants
Vs.
The State of Maharashtra Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO. 632 OF 2018**

Santosh Vilas Barkade & Anr. Applicants
Vs.
The State of Maharashtra Respondent

**ALONGWITH
ANTICIPATORY BAIL APPLICATION NO. 728 OF 2018**

Sunil Jalinder Jadhav Applicant
Vs.
The State of Maharashtra Respondent

Mr. Dhananjayrao D. Rananaware for the Applicants.
Mr. S.R. Agarkar APP for the State.

Mr. S.A. Ombale, Havildar, Vaduj police station, Satara present

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *23rd July 2018*

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 These are the applications under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.91 of 2018, registered at Ambavade, Vaduj Police Station, for the offence punishable under Section 379 read with 34 of Indian Penal Code and Section 15 of the Environment Protection Act.

3 It is the case of the prosecution that on 22nd February 2018, Akshay Bramhadev Salunke, Talathi lodged a report at the police station alleging therein that he had received a secret information that some people had illegally excavated the sand. He had been to the spot and had confiscated the said sand. Upon enquiry, he had learnt that the said sand was excavated by the present applicants. On the basis of the said report, Crime is registered.

4 Vide order dated 3rd April 2018 in Anticipatory Bail Application No. 631 of 2018, the applicants were granted interim protection and they were directed to attend the police station as and when called till the next date. The applicants have attended the police station and co-operated with the investigating agency. Hence, the Anticipatory Bail Application No. 631 of 2018 deserves to be allowed.

5 As far as the Anticipatory Bail Application No.632 of 2018 is concerned, the learned APP has submitted that the said applicants were also granted interim relief vide order 3rd April 2018. On the day of hearing, the papers of investigation were not available. It is submitted by the learned APP, upon instructions, that the present applicants i.e. the applicants in Anticipatory Bail Application No. 632 of 2018 are habitual offenders and have time and again indulged into illegal excavation of sand. In view of this, the interim relief deserves to be vacated. In the present case, taking into consideration the nature of the allegations and more particularly that

the activities of the sand mafia are on the rise, it would not be appropriate to grant discretionary relief in favour of the present applicants. Hence, Anticipatory Bail Application No.632 of 2018 stands rejected.

6 As far as Anticipatory Bail Application No. 728 of 2018 is concerned, the applicant was granted interim protection vide order dated 3rd April 2018. He was directed to attend the police station. However, he has committed breach of the conditions imposed upon him. Hence, the interim relief deserves to be vacated and Anticipatory Bail Application No. 728 of 2018 deserves to be rejected.

7 The Anticipatory Bail Application No.631 of 2018 is allowed as per following order :

O R D E R

i) In the event of arrest, the applicants in ABA No. 631 of 2018 be enlarged on bail on furnishing P.R. bonds of Rs.25,000/- each with one or two solvent sureties in the like amount.

ii) The applicants in ABA No. 631 of 2018 shall report to the concerned police station as and when called by police and co-operate with the investigating agency to the best of their capacity.

iii) Anticipatory Bail Application Nos. 632 of 2018 and 728 of 2018 stand rejected. Needless to state that the interim relief stands rejected.

(Smt. Sadhana S. Jadhav, J)