

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 893 OF 2018**

Dhananjay Chatrapati Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Mayuri Dashrath Hatle for the Applicant

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

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 25th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. I-512 of 2017, registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 379, 439 r/w 34 of the Indian Penal Code; under Section 48(7) of the Maharashtra Revenue Act; under Sections 3(2), 15, 19 of Environment Protection Act; under Section 4(3) of the Port Trust Act; under Section 35(2), 198 of the Maharashtra Marine Board Act and under Sections 19(a) (1), 59(a), 59(b) of the Inland Vessels Act.

3. Perused the papers. On 29th December 2017, at about 6:00 a.m, a joint raid was conducted by the police officers and the revenue authorities, as sand was being illegally excavated between Kasheli to Anjur Drive. In the raid, the authorities found that sand was being illegally excavated from the said creek. Huge machinery like suction pumps, boats were found and seized and 17 persons were apprehended on the spot. Some of the persons who were arrested on the spot disclosed that the applicant and his brother were collecting Rs. 600/- to Rs. 1,000/- per brass, by claiming that they were the owners of the said creek. According to the prosecution, the applicant had illegally partitioned the area around the creek. It appears that there are about more than 25 accused and out of the said arrested 25 accused, 24 accused have been enlarged on bail. The applicant surrendered on 20th March, 2018, as his application for anticipatory bail was rejected. It appears that there is no recovery against the present applicant. However, investigation is still in progress.

4. Considering the aforesaid and considering the fact that the other co-accused have already been enlarged on bail, the application is

allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 50,000/-, with one or more local solvent sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on every Monday and Thursday from 10:00 a.m. to 12:00 noon till the filing of the charge-sheet, and thereafter, on the first Sunday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;
- (iii) The applicant shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details,

if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant shall not indulge in similar activities in future;

(vi) The applicant to cooperate with the conduct of the trial;

(vii) If there are two consecutive defaults in appearing before the trial Court or in reporting to the Investigating Officer and if there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5. The application is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.