

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

ANTICIPATORY BAIL APPLICATION NO.1728 OF 2018

Mr. Akib Sultan Mukadam

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Amin Solkar I/b. Misbaak Solkar for the Applicant.

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

Mr. Ravindra Dobale, Add. Police Inspector, Goregaon P. Stn.
Present;

CORAM : ANUJA PRABHUDESSAI,J.

DATED : OCTOBER 06, 2018.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No.29 of 2018 registered with Goregaon Police Station for offences under Section 379, 511 of Indian Penal Code and Section 15 of Environment Protection Act, 1986 and Section 21 of Mines and Minerals Act.

2. Heard Mr. Solkar, the learned Counsel for the applicant and Shri Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned

Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Kailas Patil. The case of the prosecution in brief is that on 15th May, 2018 at about 5.00 p.m. the applicant herein had tried to excavate sand. The learned Counsel for the applicant submits that there is no prima facie material to show that suction pump belongs to the applicant. The FIR prima facie indicates that one of the suction pumps was of the father of the applicant.

4. Considering the nature of the allegations leveled against the applicant, by order dated 29th August, 2018 the applicant was granted interim bail and he was directed to report to the Investigating Officer. The learned Counsel for the applicant has made a statement that the applicant has reported to the Investigating Officer for three days only and that he is ready to report to the Investigating Officer as and when required. Statement accepted.

5. The learned APP submits that the investigation is almost concluded. He concedes that the presence of the applicant is not required for the purpose of interrogation.

6. The applicant is a permanent resident of Ratnagiri and there

are no chances of his absconding or thwarting the course of justice. There are no criminal antecedents against the applicant. Hence the applicant is entitled for pre-arrest bail. Hence the application is allowed on following terms and conditions.

- (i) In the event of arrest of the applicant in Crime No.29 of 2018 registered with Goregaon Police Station, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount;
- (ii) The applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iii) The applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (iv) The applicant shall not interfere with the witnesses in any manner.

**Prasanna
Pradeep
Salgaonkar**

Digitally signed by
Prasanna Pradeep
Salgaonkar
Date: 2018.10.09
18:27:37 +0530

(ANUJA PRABHUDESSAI, J.)