

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

BAIL APPLICATION NO.2624 OF 2018

1. Saurabh @ Babloo Manohar Pawar	
2. Pritam Suresh Jadhav	...Applicants
Versus	
The State of Maharashtra	...Respondent

.....

Mr. Kuldeep Patil with Mr. Prashant S. Hagare for the Applicants.
Mr. Ajay Patil, APP for the Respondent -State.
Mr. N.M. Thombare, ASI, Indapur Police Station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 22nd OCTOBER, 2018.

P.C.:-

This is an application under Section 439 of the Cr.P.C. filed by the aforesaid Applicants, who have been arrested in C.R. No.49 of 2018 registered with Indapur Police Station, District-Pune, for offences punishable under Sections 307, 353, 379, 395, 504 and 506 of the Indian Penal Code, 1860.

2. Heard Mr. Kuldeep Patil, the learned counsel for the Applicants and Mr. Ajay Patil, the learned APP for the Respondent-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 Girish Sandekar, Officer of Revenue Department. A perusal of the FIR prima facie reveals that on 20.1.2018 at about 5.30 a.m. the first informant and other officers, were on patrolling duty so as to prevent illegal sand extraction and transportation of sand. They had seen a truck bearing No.MH 42 T 2900, which was loaded with sand, coming from Nimsakhar Road. The driver of the said truck did not stop the said vehicle despite their instructions, hence, they chased the said truck and stopped it at Pitthewadi. They verified the documents and ascertained that the driver did not possess any documents to extract or transport sand. It is alleged that in the meantime owner of the Truck-Yunus Pathan came to the place of the incident alongwith 5 other persons and that said persons abused the first informant and his staff and prevented them from discharging their lawful duties. The first informant has claimed that owner of the said truck started the truck and proceeded towards Bawda Road alongwith driver Sachin, Talathi-Pandit Waghmare and Talathi-Shivaji Khose. Said Yunus Pathan. After covering the distance of about 2/3 kilometers, the owner of the truck jumped out of the running truck. He threatened the Talathi Pandit Waghmare, that he will file complaint

against him for breaking his leg. Said Yunus Pathan thereafter fled from the spot by a pulsor motorcycle. The first informant therefore lodged the FIR against the owner, driver of the vehicle as well as others, who had accompanied the owner of the said truck.

4. The material on record prima facie indicates that the present Applicants had accompanied the owner of the vehicle. There are no specific allegations against the Applicants so as to indicate that they were involved in sand extraction or transportation or that they had committed any overt act with an intention to commit murder of the first informant or his staff. The applicants are in custody since 8.9.2018. The nature of allegations, in my considered view does not justify further detention.

5. The learned APP submits that the Applicants have criminal antecedents. At this stage, the learned counsel for the Applicants states that the Applicants shall not reside within the area of Indapur Police Station. Statement is accepted.

6. Considering the above facts and circumstances, the application is allowed on following terms and conditions:

- (i) The Applicants, who are arrested in C.R. No.49 of 2018 registered with Indapur Police Station, District-Pune, are ordered to be released on bail on furnishing bail bonds of Rs.30,000/- each with one or two solvent sureties in the like amount.
- (ii) The Applicants shall not enter within the jurisdiction of Indapur Police Station, except for the purpose of attending the trial and /or reporting to the investigation officer, until further orders.
- (iii) The Applicants shall report to the investigation officer on first Monday of every month, until further orders.
- (iv) The Applicants shall furnish their permanent and temporary address and their contact details to the concerned investigation officer.
- (v) The Applicants shall not change their residential address without prior intimation to the concerned investigation officer.
- (vi) The Applicants shall not interfere with the first informant and /or witnesses and shall not tamper with the evidence in any manner.

(SMT. ANUJA PRABHUDESSAI, J.)