

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2305 OF 2018

Dayanand Pawade, Age 42 years,
Occ.Business, R/o.Kirat, Post Nihe,
Tal. And District Palghar.

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.V.Marwadi I/by N.M.Nadar for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Alpesh Nishe, Manor Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th December 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.I-159 of 2018 registered with Manor Police Station under Section 286 of Indian Penal code and Section 9(b) of Indian Explosive Act, 1884 and Section 5 of Explosive Substance Act.

2. The prosecution case in brief is that one Sanjay Kakad who is working in the quarry of the applicant was allegedly found in possession of the explosive substance i.e. gelatin, nitrate mixture etc which is used under license for the purpose of blasting the stone in the quarry. The offence was registered against Sanjay Kakad. He was arrested and was produced before the Court and then taken into MCR and thereafter he was granted bail. The applicant preferred an application for anticipatory bail before Sessions Court which has been rejected. The applicants contention is that he is owner of the

land and has submitted all the relevant documents to the investigating officer of Manor Police Station at the time of notice sent under Section 160 Cr.P.C. The applicant is conducting business of quarry. The accused was found in possession of the explosive was arrested.

3. Learned APP submitted that investigation is required to be conducted to find out whether the explosives which were recovered from the possession of the arrested accused can be accounted in consonance with the license issued to the applicant.

4. The co-accused was in custody and subsequently was granted bail. The applicant was granted interim protection by order dated 2nd November 2018 with direction to report the police station. Admittedly applicant has complied the said direction. Learned counsel for applicant also pointed out that the applicant had preferred an application before the learned Magistrate for return of property viz explosives and the said application was allowed. Police had filed their say giving no objection for return of the property.

5. In view of the aforesaid circumstances, custodial interrogation of the applicant is not necessary. Interim order dated 27th November 2018 is required to be confirmed.

6. Hence, I pass following order :

ORDER

(i) In the event of arrest of applicant in connection with CR No.I-159 of 2018 registered with Manor Police Station, the applicant be

released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall report the investigating officer of Manor Police Station as and when called for till filing of charge sheet;

(iii) Criminal Anticipatory Bail Application No.2305 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST