

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2430 OF 2018

Pravin Keshav Adhikari, Age 60 years,
Occ.Business, R/o.Nagzari, Post Nithe,
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.Kapadia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th December 2018

PC :

1. This is an application for anticipatory bail in connection with CR No.I-158 of 2018 registered with Manor Police Station under Section 286 of Indian Penal Code, under Section 9(b) of Explosive Act and Section 5 of Explosive Substance Act. The investigation is conducted by LCB Branch.

2. The case of prosecution is that while patrolling at village Nagzari, near the house of applicant, the police had found lying super power 90 and CDET Electra Instantaneous Electric Detonator explosive substance, which is used under license for the purpose of blasting the stone in the quarry. The FIR was lodged on 19th October 2018.

3. The applicant had license to purchase, possess and use the explosive of nitrate mixture, safety fuse and detonators which is valid

till 31st March 2019 issued by Joint Chief Controller of Explosives, Navi Mumbai. The applicant is the owner of land and engaged in lawful business of mines. He has valid license to store and use the explosive substances.

4. Learned APP, however, submitted that the prosecution case is that the applicant was found in possession of explosive substances for which no explanation was tendered by him. It is noted that the applicant has license to purchase, possess, store and use of explosive substances i.e. nitrate mixture, safety fuse, detonators which is used in the stone quarry.

5. The applicant was granted interim protection on 28th November 2018. The applicant was directed to report investigating officer and co-operate with investigation. It is not disputed that the applicant has attended police station. 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.

6. In view of the aforesaid circumstances, custodial interrogation of the applicant is not necessary. Interim order dated 28th November 2018 is required to be confirmed.

7. Hence, I pass following order :

ORDER

(i) In the event of arrest of applicant in CR No.I-158 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 more 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.2430 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST