

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

17 ANTICIPATORY BAIL APPLICATION NO.1329 OF 2021

ASHOK HARICHANDRA NARKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. K.R. Doke & Mr. S.K. Doke (Renge)
APP for Respondent/State : Mr. A.V. Deshmukh

...
CORAM : PRAKASH D. NAIK, J.
DATED : 20/12/2021.

PER COURT :

1. The applicant is apprehending arrest in Crime No. 153/2021 registered with Bhoom Police Station, District Osmanabad for the offence punishable under section 379 of the Indian Penal Code and under sections 21(1), 4 and 5 of the Mines and Minerals (Development and Regulation) Act.

2. The applicant contends that he has been using stone crusher since 2002-2003 and obtained various permissions from the Government. The applicant had licence for mining as well as stone crusher which is valid till 2024. The applicant had paid royalty for excavating the stone in the sum of Rs.13.14 lakh.

3. Learned APP submitted that the applicant has not submitted the documents before the Tahsildar. The investigation is in progress.

4. The learned advocate for the applicant has relied upon the orders passed by this Court in similar matters viz. ABA 1357/2021 and ABA No. 1187/2021 wherein relief was granted to the applicants.

5. Considering the factual aspects, the relief under section 438 of Cr.P.C. can be granted. Hence, I pass the following order.

ORDER

- i. ABA No.1329/2021 is allowed.
- ii. In the event of arrest of applicant in Crime No. 153/2021 registered with Bhoom Police Station, District Osmanabad, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties of the like amount.
- iii. The applicant shall report the Investigating Officer on 27th, 28th and 29th December, 2021 between 11 a.m. to 1.00 noon.
- iv. The applicant shall cooperate with the investigation and in the event the documents referred in this order are requisitioned by the Investigating Officer, the same shall be produced before the Investigating Officer and Tahsildar.
- v. The application stands disposed of.

[PRAKASH D. NAIK, J.]