

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO.1357 OF 2021

SHIVSHANKAR PANDURANG PAUL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shambhuraje V Deshmukh
APP for Respondents: Mr. A.V. Deshmukh.

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CORAM : PRAKASH D. NAIK J.
DATE : 16th NOVEMBER, 2021.

PER COURT:

1] This an application for anticipatory bail in connection with Crime No. 154 of 2021 registered with Bhoom police station, Dist. Osmanabad for the offence under Section 379 of IPC and u/sec. 4, 5, 21(1) of the Mines and Minerals (Development Regulation) Act.

2] The case of the prosecution is that on 28.8.2021, the complainant had visited Gat No. 190. The applicant was asked to hand over the necessary permissions of stone crushing and mining. He could not produce said documents. It was found that the mines and minerals were found crushed in Gat No. 190 to the extent of 78 brass and 25 brass. The applicant was found present at the place of incident. The stone crusher was also found at the place of incident.

3] The learned counsel for applicant submitted that in respect of excavation and crushing of mines and minerals royalty to the extent of Rs.1,05,000/- was paid to the Revenue Department. The material relating to stone crushing was found at the spot. It has been seized. Stone crusher was seized and it was handed over by executing possession receipt reflecting

condition of machine. Custodial interrogation of the applicant is not necessary

4] The learned APP submitted that the spot where the minerals were crushed was in possession and owned by the applicant. The minerals belong to Government. Without appropriate permission the applicant had crushed minerals by using stone crusher. His involvement and presence at the scene of offence is established.

5] It is relevant to note that the stone crusher and the material crushed has been seized by the respondents. Subsequently, stone crusher has been returned to the applicant. Royalty was paid to the Revenue Department. There are no criminal antecedents against the applicant. In the circumstances the applicant need not be subjected to custodial interrogation.

ORDER.

[i] ABA No. 1357 of 2021 is allowed.

[ii] In the event of arrest of the applicant in connection with Crime No. 154 of 2021 registered with Bhoom Police Station, Dist. Osmanabad, the applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 20,000/-, with one or two sureties in the like amount.

[iii] The applicant shall attend the concerned police station on 22nd, 23rd, and 24th November, 2021 between 11.00 a.m. and 1.00 p.m. and shall cooperate with the investigation.

[iii] The application stands disposed of.

**[PRAKASH D. NAIK]
JUDGE**

GRT/-