

Rushi @ Rushiraj Satish Babar & Anr .. Applicants
Versus
The State of Maharashtra .. Respondents

Mr. Kuldeep Patil with Mr.Samadhan A. Kashid for the applicants.
Ms.P.N. Dabholkar, APP for the State.

DATED : 28th JULY 2021

P.C:-

1 The applicants claim parity with co-accused Yogesh
(accused no.2) who have been released on bail on 7th July 2021
(BA 2198/21).

2 While releasing the co-accused Yogesh on bail, I have
dealt with the complaint filed by the Talathi of Sonand on 2nd
March 2021, pursuant to which an offence was registered with
Sangola police station vide C.R.No. 234 of 2021 for the offence
punishable under Section 307, 353, 379 read with Section 34 and
Section 9 and 15 of the Environment and Protection Act.

3 Yogesh was arraigned as accused no.2 whereas the two applicants before me are indicted as accused nos.1 and 3 along with one unknown person.

4 Talathi of village Sonand, on receipt of information about transportation of illegally excavated sand reached the river bed along with his squad, to notice that some people were filling up one tempo and tractor with sand and on seeing the squad on the spot, they fled away. The team chased the tempo at some distance but the driver of the tempo managed to escape and the complaint chose to drive the tempo for further action.

5 The complainant alleged that one Scorpio car crossed his path and the four accused persons alighted from the same which included three named persons from village Sonand and one unknown persons from village Sonand. The allegation is that the accused persons pulled the complainant out of the vehicle and the person drove the Scorpio car in an attempt to run over him but he somehow managed to escape.

6 The statements of the other members of the squad, however, do not support the claim of the complainant as they state that the complainant was found lying on the left side of the Scorpio when it was being driven away. Noticing the inconsistency in the version of the witnesses and the fact that no

serious injury is sustained by the applicant, the co-accused was released on bail.

7 Investigation is complete and charge-sheet is filed was also another factor which prompted me to release the applicant on bail. There is no reason why the same relief cannot be extended to applicants in the present application. Hence, the following order :-

ORDER

- (a) The Applicant no.1 – Rushi @ Rushiraj Satish Babar and applicant no.2 -- Mahipati Borade in connection with C.R.No. 234 of 2021 registered with Sangola Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- each with one or two sureties of the like amount.
- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicants should not tamper with evidence.

(d) The applicants shall attend the trial when conducted unless and until exempted from attendance.

8 The Application is allowed in the aforestated termss

SMT. BHARATI DANGRE, J