

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 ANTICIPATORY BAIL APPLICATION NO.88 OF 2022

SANJAY HANUMAN SHINDE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. A.B. Ghule, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 14th FEBRUARY, 2022

ORDER :

1 Applicant is apprehending his arrest in connection with Crime No.636/2021 dated 29.12.2021 registered with Taluka Jalna Police Station, Dist. Jalna, for the offence punishable under Section 286 of the Indian Penal Code, 1860 and under Section 5 of the Explosive Substances Act.

2 Heard learned Advocate Mr. A.B. Ghule for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 First Information Report has been lodged by Police Naik Ram

Bhaskar Shinde attached to Jalna Taluka Police Station. Information was given by secret source that without taking any precaution explosions are being done in the field of one Prakash Ugale, within the village of Sindhi Kalegaon. Therefore, taking two panchas along with them, they went to the field of said Prakash Ugale. They found the Tractor along with machine. The work of digging hole in the well was going on. One Prakash Hona Rathod was present, who claimed that he is the owner of the Tractor. The police found gelatin detonator and a box containing dynamite. All those articles were seized along with the Tractor by drawing panchnama at the spot and thereafter the First Information Report was lodged. It is to be noted that present applicant has been shown as accused, but his name is not appearing in the First Information Report. However, as per the say of the Investigating Officer, the involvement of the present applicant is transpired from the fact that he fled along with the Tractor, which was containing the blasting material and explosive substances. It is stated that the present applicant was helping Prakash Rathod, who came to be arrested from the spot in blasting activity.

4 The police papers show that what has been seized from the spot is Tractor bearing No.RNO 6985, 26 tubes of gelatin and three detonators sticks, in all worth Rs.6,50,000/-. Now, the question is, when the First

Information Report says that these persons reached to the spot, there was only one Tractor with explosive substances, then from where the involvement of the applicant could be seen. Neither in the First Information Report nor in the statements of witnesses, it is stated that those persons had seen another Tractor coming at the spot or near the spot and after he saw the police at the spot, he took U turn and fled away.

5 Taking into consideration the allegations and the police papers, the physical custody of the applicant is not required. This Court had granted interim protection to the applicant on 28.01.2022. That deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 28.01.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Sanjay Hanuman Shinde**, in connection with Crime No.636/2021 dated 29.12.2021 registered with Taluka Jalna Police Station, Dist. Jalna, for the offence punishable under Section 286 of the Indian Penal Code, 1860 and under Section 5 of the Explosive Substances

Act, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall attend Jalna Taluka Police Station, Dist. Jalna, on every Monday, Wednesday and Friday, between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

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