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

BAIL APPLICATION NO.745 OF 2022

**SANJIV JANARDHAN MUNDE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. J. M. Murkute, Advocate for applicant;
Mr. V. M. Kagne, A.P.P. for respondent

CORAM : S. G. MEHARE, J.

DATE : 23rd June, 2022

P.C.

1. Heard the learned Counsel for the applicant and the learned A.P.P. for the respondent/State.

2. It has been alleged against the applicant that without having any permit, he was excavating the sand from the river with the help of machine and the drivers. However, all the drivers fled away from the spot. Police have seized the Highwa from the spot and also seized one Truck containing sand. The prosecution has a case that the sand was excavated without any permit at the instance of the applicant. The applicant has a case that in fact there was no sand in the river, therefore, there is no question of excavation. He was the

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auction purchaser, however, he does not know about the alleged incident. He has been arrested on 13.05.2022. Thorough investigation has been done by the Investigating Officer, but nothing adverse transpired against him. Material investigation against him is over. Therefore, he be released on bail.

3. The application is opposed by the learned A.P.P. on the ground that huge quantity of sand has been illegally excavated, and thereby put heavy financial loss to the Government.

4. After having gone through the facts of the case it reveals that the police in a raid found that a Highwa and a Truck filled with the sand. The allegations against the applicant is that with his conspiracy the act of stealing sand was going on. He was already arrested and languishing in jail since 13.05.2022. The applicant has also undergone police custody remand. The material investigation appears to have been completed. There is no propriety in keeping the applicant behind the bars. The application deserves to be allowed.

5. Hence, the following order -

i) The application is allowed.

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- ii) The applicant Sanjiv s/o. Janardan Munde shall be released on bail in C.R.No. 112 of 2022 registered with Police Station Sonpeth, Taluka Sonpeth, District Parbhani, for the offence punishable under Sections 379, 431, 432, 439 read with Section 34 of the Indian Penal Code, on furnishing P.B. and S.B. of Rs.50,000/- with one or two solvent sureties of like amount on the condition that he shall not indulge in the similar nature of crime.
- iii) Bail before the learned Magistrate.

(S. G. MEHARE, J.)

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