

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.19 OF 2022

Popat Shivilal Nikam

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Rahul S. Kate for the Applicant.

Mr.Y.Y. Dabke, APP for the Respondent –State.

Mr.S.M. Nalwade, Police Constable B/N-857, Baramati Police Station.

CORAM : C.V. BHADANG, J.

**DATE : 11 JANUARY 2022
(Through Video Conferencing)**

P.C.

. The Applicant, apprehending arrest, in connection with the Investigation of Crime No.9 of 2021 registered at Baramati Police Station, Pune Rural, under Section 379 of Indian Penal Code and Section 48 of the Maharashtra Land Revenue Code, 1966 and Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 is seeking anticipatory bail.

2. The said offence is registered on January 2021. The prosecution case is that the Applicant was found excavating sand illegally from Karha River. The offence came to be registered on

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the basis of complaint lodged by Talathi of Village-Songaon, Taluka-Baramati, District-Pune and is stated to be under the investigation.

3. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor.

4. The learned Additional Public Prosecutor has submitted that the statement of the villagers is recorded and they have stated about the illegal excavation of the sand by the Applicant. The learned Additional Public Prosecutor, however, on instructions from Mr.S.M. Nalwade, Police Constable B/N-857, Baramati Police Station, who is present before the Court states that having regard to the status of the investigation, the custody of the Applicant is not necessary or claimed and the Applicant may be directed to attend the Investigating Officer and to join the Investigation.

5. In view of the fact that the offence is registered more than a year back on 7 January 2021 and in view of the specific statement on behalf of the Investigating Officer, the following order is passed.

ORDER

(i) In the event of his arrest in connection with investigation of Crime No.9 of 2021 registered at

Baramati Police Station, Pune Rural, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(ii) The Applicant shall attend the Investigating Officer on 17, 18 and 19 January 2022 between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

(iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

(iv) The Applicant shall not associate himself directly or indirectly with any excavation of the sand.

(v) In the event of breach of any of the conditions, the bail is liable to be vacated.

(vi) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.