

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

ANTICIPATORY BAIL APPLICATION NO. 647 OF 2022

Devraj Namdeo Bhoir ..Applicant

v/s.

The State of Maharashtra . ..Respondent

Mr. Jain Gautam Jasraj for the Applicant.

Mr. M.G.Patil, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 24th MARCH, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in C.R.No.744 of 2021 registered with Narpoli Police Station, Bhiwandi, Thane for the offences under Section 379, 439, r/w. 34 of Indian Penal Code, and Section 48(7), 48(8) of the Maharashtra Land Revenue Code, 1966.

2. It is the case of prosecution that on 30.11.2021, the first informant conducted raid at Village Anjur Surai, and they found some persons were illegally dredging sand from the creek with four suction pumps, and causing theft and also causing environmental degradation. Upon inquiries, it was learnt that the Applicant was involved in committing the said offence. Hence crime has been registered against him for the aforesaid offences.

3. It is stated that the sand which was extracted has been seized and the material used for dredging /extracting sand has been disposed of. Learned APP concedes that the Applicant has no criminal antecedents.

4. Considering the above facts and circumstances, in my considered view, this is not a fit case for custodial interrogation. Hence the Application is allowed on the following terms and conditions:

(i) In the event of arrest of the Applicant in C.R.No.744 of 2021 registered with Narpoli Police Station, Bhiwandi, Thane, the Applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for four days from 28.03.2022 between 11.00 a.m. to 2.00 p.m., and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

(ANUJA PRABHUDESSAI, J.)

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