

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

ANTICIPATORY BAIL APPLICATION NO. 1015 OF 2022

Prashant Ashok Magar & Ors.	...Applicants
Vs.	
The State of Maharashtra	... Respondent

Mr. Vinod S. Chate a/w. Ms. Kalpana V. Chate i/b. Chate and Associates, for the Applicants in ABA No.969/2022.
Mrs. M. R. Tidke, APP for the Respondent/State.

MAMTA
AMAR
KALE

Digitally
signed by
MAMTA
AMAR
KALE
Date:
2022.04.13
18:46:48
+0530

**CORAM : C.V. BHADANG, J.
DATE : 13 APRIL 2022**

P.C.

. The Applicants, apprehending arrest, in connection with investigation of Crime No.159/2022 of Police Station Daund, Pune Rural, under Section 439, 379 and 511 of IPC and Section 4 and 21 of the Mines and Minerals Act, 1957 and Section 9 and 15 of the Environment (Protection) Act, 1986, are seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 26 March 2022 lodged by Police Havaldar Deepak Kumar Babanrao Waikar. According to the informant,

on prior secret information, a raid was conducted in the river bed near old garbage depot at Daund wherein there were five fiber boats and five suction boats in river bed and some persons were doing illegal sand excavation from the river bed. On seeing the members of the raiding party, the persons present there fled from the spot. The informant claims that as it was not possible to carry the boats from the river bed, the boats were destroyed and the sand worth 30 brass was also disposed of. The FIR shows that in a 'local inquiry', the name of the Applicants figured to be the persons responsible for the illegal sand mining.

3. I have heard the learned counsel for the parties. Perused record.

4. It transpires during the course of hearing that the persons who were present fled from the spot and their identity is not shown to be established. A specific query was made to the learned APP as to the nature of the 'local inquiry', conducted in which names of the present Applicants figured. It is submitted that these details are not available. Thus, it can prima facie be seen that admittedly, none of the persons present at the spot could be apprehended and there are no details as to how the names of the Applicants figured and their connection with the alleged illegal sand mining. In the absence of such a prima facie

case, the criminal antecedents which are pointed out can not enter consideration.

5. In that view of the matter, the following order is passed.

ORDER

(i) In the event of their arrest, in connection with investigation of Crime No.159/2022 of Police Station Daund, Pune Rural, the Applicant No.1 Prashant Ashok Magar, Applicant No.2 Bitya @ Nitin Sudhakar Sonawane, Applicant No.3 Sanjay Jayawant Sonawane and Applicant No.4 Rajendra @ Raju Madhukar Sonawane, be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties each, in the like amount.

(ii) The Applicants shall report to the Investigating Officer on 25/4/2022 and 26/4/2022 between 11.00 a.m. to 1.00 p.m. and as and when required and shall cooperate with the Investigating Agency.

(iii) The Applicants shall not indulge into similar offence, while on bail.

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

(C.V. BHADANG, J.)