

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

ANTICIPATORY BAIL APPLICATION NO. 1152 OF 2022

Anna @ Annasaheb Vitthal Jagtap .. Applicant
Vs.
The State of Maharashtra .. Respondent

Mr. Prashant S. Hagare, for Applicant.

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

CORAM: VINAY JOSHI, J.

DATE: APRIL 27, 2022

P.C.:

1. In anticipation of arrest in Crime No. 159 of 2022 registered with Daund Police Station, District Pune Rural for the offences punishable under Sections 379, 439, 511 of the Indian Penal Code, under Sections 15 and 9 of the Environmental (Protection) Act, 1986 and under Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957, the applicant is claiming pre-arrest protection.

2. The applicant's learned Counsel submitted that there is no incriminating material against the applicant. Moreover, bail is claimed on the ground of parity by attracting my attention towards three anticipatory bail orders passed by this Court in ABA/1015/2022, ABA/969/2022 and ABA/971/2022.

3. Learned APP appearing for the State opposes to grant

protection.

4. The crime was registered on the basis of the complaint dated 26th March 2022 lodged by police personnel. It is the prosecution case that the police conducted raid in riverbed and found that 5 fiber boats and 5 suction boats were used by some persons for illegal excavation of sand. Those persons fled away when the police went to the spot. On the basis of enquiry, in all 8 persons were involved in the crime.

5. Having regard to the nature of the accusation and material available against the accused, this Court has granted pre-arrest protection to the rest of all accused. Learned APP is unable to point out any distinguishing feature in respect of the present application. I have no reason to take a different view as regards the applicant in absence of any material. Certainly, the applicant is entitled for equal treatment. The case is made out for grant of pre-arrest protection. Hence, the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest, the applicant namely Mr. Anna @ Annasaheb Vitthal Jagtap in Crime No. 159 of 2022 registered at Daund Police Station, District Pune Rural for the offences punishable under Sections 379, 439, 511 of the Indian Penal Code, under Sections 15 and 9 of the Environmental (Protection) Act, 1986 and under Sections 4 and 21 of the Mines and Minerals (Development and

Regulation) Act, 1957, be released on interim bail on his furnishing P.R.bond of Rs. 25,000/- with one or two sureties in the like amount.

(c) The applicant shall report to the Investigating Officer on 4th and 5th May 2022 in between 10.00 a.m. to 12.00 noon and then as and when called by the Investigating Officer.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

6. The application stands disposed in the above terms.

(VINAY JOSHI, J.)