

Nana Vitthal Shendge and Another ...Applicants
vs.
The State of Maharashtra ...Respondent

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VISHAL SUBHASH
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CORAM: N. J. JAMADAR, J.
DATE: JUNE 14, 2022

1. This is an application for pre arrest bail in connection with C.R. No. 516 of 2021 registered with Daund police station, Pune for the offences punishable under sections 379, 439, 511 of the Indian Penal Code, 1860, section 15 read with section 9 of Environment (Protection) Act, 1986 and sections 4 and 21 of Mines and Minerals (Development and Regulation) Act, 1957.

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noticing the raiding party, the persons who were unauthorizedly excavating the sand fled away. The boats were seized. Local inquiry revealed that the applicants were the persons who were excavating the sand and fled away. Thus, the first information report was lodged.

3. By an order dated 3rd November, 2021 this Court granted interim pre arrest bail. It was noted that the applicants came to be roped, in post a local inquiry.

4. The learned counsel for the applicants submitted that there is no material to connect the applicants with the offence. Since the boats allegedly used for unauthorizedly excavating the sand have been seized, the custodial interrogation of the applicants, even otherwise, is not warranted.

5. The learned APP invited attention of the Court to the fact that few crimes of similar nature have been registered against the applicants. Undoubtedly, the fact that the crimes have been registered against the applicants in the past may bear upon their entitlement for pre arrest bail provided the indictment in the case at hand is prima facie made out.

6. I find substance in the submissions of the learned counsel for the applicants. From the perusal of the first information report, it becomes abundantly clear that the applicants were not arrested at the spot. Post local inquiry, the identity of the applicants was allegedly revealed. In this view of the matter, since the applicants are on pre arrest bail, since 3rd November, 2021, at this juncture, the interim order deserves to be made absolute.

7. In the circumstances, I am inclined to allow the application. Hence, the following order.

ORDER

- 1] Application stands allowed.
- 2] The interim order dated 3rd November, 2021 stands confirmed.
- 3] The applicants shall not tamper with the prosecution evidence and shall not give any threat or inducement to any of the prosecution witnesses.
- 4] The applicants shall regularly attend the proceedings before the jurisdictional Magistrate.

(N. J. JAMADAR, J.)