

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 3103 OF 2021

VAISHALI
ANIL
TIKAM

Vijay Dhondiba Kolpe
vs.

...Applicant

Digitally signed
by VAISHALI
ANIL TIKAM

The State of Maharashtra

...Respondent

Date: 2022.06.30
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Mr. Prabhakar M. Jadhav, for Applicant

Mrs. J.S. Lohokare, APP for the State

API Sandip E. Kamble, Shirur Police Station, Pune.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 27, 2022

P.C.:

1. Heard the learned counsel for the Applicant and the Learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No. 929 of 2021, registered with Shirur Police Station, Pune for the offences punishable under Sections 379, 439 r/w. 34 of the Indian Penal Code, 1860 and sections 9 and 15 of the Environment (Protection) Act, Section 3 of Prevention of Damage to Public Property Act and Sections 4 and 21 of Mines and Minerals Act. The crime was initially registered against co-accused Hanumant Gaddare, who was found unauthorizedly transporting sand in a truck bearing registration No. MH-12-NX-7716. It was alleged that, the said sand was illegally excavated from the river bed at Shirur. The

applicant came to be implicated as the investigation revealed that, the applicant was one of the persons, who had unauthorizedly excavated the said sand from “Ghodnadi” river bed.

3. Evidently, the alleged stolen property and the vehicle in which it was being transported, have been seized. On 4th April, 2022, this Court directed the learned APP to take instructions as to whether Accused no.1 Mr. Hanmant Gaddare has been released on bail. The learned APP submits that accused No.1, has been released on bail.

4. The learned APP however resisted the prayer on the ground that another offence has been registered against the applicant at Shirur Police Station vide CR No. 166 of 2021 for the offences punishable under sections 408 and 379 and 201 r/w. 34 of the Indian Penal Code.

5. Evidently, the applicant was not found in possession of the allegedly unauthorizedly excavated sand. In the backdrop of the nature of the accusation, which is primarily based on the statement of the co-accused, custodial interrogation of the applicant does not seem to be warranted for an effective investigation.

6. For the forgoing reasons, I am impelled to make the order of interim pre-arrest bail dated on 22nd December, 2021 absolute.

7. Hence, the following order.

ORDER

- i) The Anticipatory Bail Application stands allowed.
- ii) The order of interim pre-arrest bail dated on 22nd December, 2021 is made absolute on the terms and conditions incorporated therein.
- iii) In addition, the applicant shall not indulge in the activities identical to one for which he is arraigned in this case.
- iv) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- iv) The application stands disposed.

[N. J. JAMADAR, J.]