

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3037 OF 2022

Gorakh Namdeo Waghmode ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Pranav Bhoite a/w Mr. Sharad Gawade, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent/State.
S.M. Shinde, ASI, Daund Police Station Rural, present.

CORAM : N.R. BORKAR, J.
DATE : 19.12.2022.

P.C. :

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 402 of 2022 registered at Daund Police Station, Taluka Daund, District Pune for the offences punishable under Sections 379, 439 read with 34 of the Indian Penal Code and Section 4 and 21 of the Mine and Minerals (Development and Regulation) Act, 1975 and Sections 21 and 9 of the Environment Protection Act, 1986.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

4. This Court on 25/11/2022, passed the following order:

“1. These applications under Section 438 of Cr.P.C. filed by aforesaid applicants apprehending their arrest in the CR No.402/2022 registered with Dound Police Station, Pune for the offences punishable under Sections 379, 439, r/w 34 of IPC and under Section 4 and 21 of the Mine and Mineral (Development and Regulation) Act, 1957 and under Section 21 and 9 of Environment Protection Act, 1986.

2. Heard learned Counsel Mr.PH.Bhoite, for the Applicant and Ms.V. Shinde, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The FIR prima facie reveals that information was received that the applicant and some others are involved in illegal extraction of sand from river Bhima in village Malthan, Tal.Daund, Dist.Pune. It is stated that six trucks loaded with sand were found at the place of the incident and persons extracting the sand, swam across the river and could not be apprehended. Learned counsel for the applicants states that the trucks found at the place of the incident, are not owned by the applicants. He further states that there is no prima facie material to show involvement of the applicants in the aforesaid crime.

4. Learned APP seeks time to take instructions. Time granted. Applicants are granted interim protection till the next date of hearing.

5. Considering the above facts and circumstances, in my considered view, this is a fit

case for grant of interim relief. Hence, the following order :-

(a) In the event of arrest of the applicants in CR No.402/2022 registered with Daund Police Station, Tal.Daund, District Pune, they shall be released on interim bail by executing PR Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.

(b) Applicants shall report the Investigation Officer for two days from 28/11/2022 in between 11.00a.m. till 2.00p.m.

(c) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

(e) Stand Over till 19/12/2022.”

5. According to the prosecution, fiber boats were used for excavating the sand. It is alleged that the applicant is the owner of the fiber boats.

6. The learned APP on instructions submits that there are no other criminal antecedents. There appears to be no need of custodial interrogation as nothing is to be recovered at the instance of the applicant. Considering the facts and circumstances of the case and as there are no other criminal antecedents, I am inclined to release the applicant on

anticipatory bail.

7. The interim order passed by this Court dated 25/11/2022, is hereby confirmed.

8. The applicant shall attend the concerned Police Station as and when called and shall co-operate in the investigation.

[N. R. BORKAR, J.]