

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3120 OF 2021**

Dadasaheb @ Dadaso Sambhaji Borkar and Anr. ... Applicants
versus
The State of Maharashtra ... Respondent

None for Applicant.
Mr. P.H.Gaikwad, APP, for State.

CORAM: N.J.JAMADAR, J.

DATE : 28th JUNE, 2022

P.C.

1. Heard the learned APP for the State.
2. This is an application for pre-arrest bail in connection with C.R No.115 of 2021, registered with Baramati Police Station for an offence punishable under Section 379 of Indian Penal Code (“the Penal Code”) 1860 and Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957.
3. The Village Officer, Mekhali, Tal. Baramati, Dist. Pune, lodged a report on the basis of a complaint dated 18th February, 2021, given by villagers to the effect that, the applicant and co-accused had unauthorisedly excavated the sand.
4. When the matter was listed before the Court on 23rd December, 2021 , this Court was persuaded to grant interim pre-arrest bail to the Applicants. The Court noted that the rest of the co-accused, who were similarly circumstanced, were granted pre-arrest bail by the Court of Session.

5. In the backdrop of the nature of accusation, there does not seem to be any qualitative difference in the accusation against the Applicants and the co-accused who were granted the benefit of the pre-arrest bail. Even otherwise, custodial interrogation of the Applicants does not seem warranted. Hence, I am persuaded to confirm the order of interim pre-arrest bail. Thus, the following Order.

ORDER

1. The application stands allowed.
2. The interim order dated 23rd December, 2021 granting pre-arrest bail to the Applicants is made absolute on the terms and conditions incorporated therein.
3. The applicants shall regularly attend the proceedings before the jurisdictional Court.

(N.J.JAMADAR, J.)