

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.65 OF 2023

Navnath Sudam Kale
(Named as Balu Kale in FIR)

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. Sudarshan J. Salunke, Advocate for the Applicant
Mr. A.A. Jagatkar, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.440 of 2022 registered with Sonai Police Station, District Ahmednagar for offences punishable under sections 353, 379, 506 read with 34 of the Indian Penal Code and section 22 of Mines and Mineral (Development and Regulation) Act, 1957.

2. FIR is lodged by Talati stating that he was part of team which was formed to prevent illegal excavation of mines and minerals. On 09/09/2022, when they were at Shigvetukai area of Ghodegaon, they saw one white dumper bearing No. MH-20/ DE-3016 going from Ahmenagar towards Newasa.

They stopped it and asked the driver his name. He told his name as Lahnu Macchindra Mali. The dumper was carrying metal. On asking about permit, he told that he does not have permit to transport the metal. He was, therefore, asked to take the dumper to the Tahsil office at Newasa. Accordingly, he started driving the dumper towards Tahsil office. The informant and others were following him. At about 11.45 a.m., the owner of the dumper came from Ghodegaon and asked the dumper driver to stop the dumper. When the informant and others asked the person who stopped the dumper, he told that he is the owner of the dumper, and threatened him to release the dumper, else they will have to face serious consequences. He disclosed his name as Balu Kale, resident of Imampur. He was asked to produce relevant documents at Tahsil office. At that time, he signalled the driver, and the driver ran away from the spot along with dumper.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. The dumper is seized, and driver is arrested. According to the applicant, owner of the said dumper is one Dividas Manik Chavan and not the present applicant. The applicant has placed on record the registration certificate of the dumper.

5. Considering the fact that the dumper is seized along with metal, and the driver is arrested, nothing is to be recovered from the applicant. There are no criminal antecedents against the applicant. Pre-trial custodial detention of the applicant, in the facts of the present case, is therefore not necessary.

6. In the result, application is allowed. In the event of arrest of the applicant in connection with Crime No.440 of 2022 registered with Sonai Police Station, District Ahmednagar for offences punishable under sections 353, 379, 506 read with 34 of the Indian Penal Code and section 22 of Mines and Mineral (Development and Regulation) Act, the applicant shall be released on executing Personal Bond of Rs.15,000/- with one surety each in the like amount.

7. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicants shall not indulge in similar offence and shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane