

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.199 OF 2023

Ganesh Madhukar More

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Mr. G.G. Gadhe, Advocate for applicant.

Mr. A.V. Deshmukh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd FEBRUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 390/2022, registered with Mukhed Police Station, Nanded, for offence punishable under sections 353, 332, 143, 147, 149, 504, 506 of the Indian Penal Code and under section 48(7) (8) of Maharashtra Land Revenue Code, under section 4, 21 of Mines and Minerals (Development and Regulation) Act and under section 15 of Environment Protection Act.

2. FIR is lodged by Sanjay Jambhale Circle Officer, Circle Bahali, alleging that on 22.12.2022 while he was discharging official duty along with his colleagues they found

illegal transportation of murum by accused persons named in the FIR. While taking action against them accused persons abused and scuffled with informant and his colleagues and gave threats to kill them.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. It is the case of the applicant that he is student and he was not present on the spot at the time of alleged incident.

5. Perusal of investigation papers and report of the investigation officer confirms this fact. Learned Additional Public Prosecutor on specific instructions from investigation officer has made a statement that in the mobile recording of the incident applicant is not seen. In that view of the matter, applicant is entitled for protection.

6. In the event of arrest of applicant in connection with Crime No. 390/2022, registered with Mukhed Police Station, Nanded, for offence punishable under sections 353, 332, 143,

147, 149, 504, 506 of the Indian Penal Code and under section 48(7) (8) of Maharashtra Land Revenue Code, under section 4, 21 of Mines and Minerals (Development and Regulation) Act and under section 15 of Environment Protection Act, the applicant shall be released on executing personal bond of Rs. 15,000/- with one surety in the like amount.

7. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]