

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.654 OF 2023

1. Rangnath @ Sarjerao Sandipan
Behere

2. Bharat Ananda Yedage

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Mr. Viral K. Rathod for the Applicants.

Mr. Shrikant Yadav, APP for Respondent-State.

Mr. Ankush Nalawade, Police Naik, Sangola Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 9th MARCH, 2023.

P. C. :-

1. This is an application under Section 438 of Cr.P.C. filed by the Applicants apprehending their arrest in Crime No.735 of 2020 registered at Sangola Police Station, District Solapur for the offences punishable under Sections 379, 341, 353, 332, 427, r/w 34 of the IPC and Sections 9 and 15 of the Environment Protection Act, 1986.

2. Heard Mr. Rathod, learned counsel for the Applicant and Mr. Yadav, learned APP for Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Kumar Jadhav, Police Constable attached to Sangola Police station. A perusal of the FIR reveals that on 25/05/2020 the Police Inspector attached to Sangola Police Station had received information about theft of sand committed at Chincholi village. He deputed the Complainant and other police staff to the place of the incident. It is stated that three persons, who were illegally extracting sand and trying to transport the same were arrested from the spot of the incident. It is alleged that the Applicant No.1 had run away from the place of the incident and Applicant No.2 was driver of the vehicle, which was allegedly used for transporting the illegally extracted sand.

4. It is to be noted that the crime was registered in the year 2020. No steps were taken to arrest the Applicants till date. No reasons have been assigned for not taking steps to arrest the Applicants since last three years.

5. Considering the time lapse and also the nature of accusations against the Applicants, in my considered view this would not be a fit case for custodial interrogation. Hence, the application is

allowed on the following conditions:-

- (i) In the event of arrest of the Applicants in Crime No.735 of 2020 registered at Sangola Police Station, District Solapur, the Applicants shall be released on bail on furnishing PR bonds in the sum of Rs. 25,000/- each with one or two sureties to the like amount;
- (ii) The Applicants shall report to the concerned Investigating Officer for a period of four days from 13/03/2023 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer;
- (iii) 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)