

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.753 OF 2023

Shubham G. Dhamdhare ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Shubham Mhatre a/w. Mr.A.S. Vernekar for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 04.05.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No.25 of 2023 registered at Shikrapur Police Station, Pune for the offences punishable under Sections 307, 353, 341, 283, 186, 120-B of the Indian Penal Code, Sections 9 and 15 of the Environmental Protection Act, Sections 3 and 4 of the Prevention of Damage to Public Property Act, Section 4A of the Mines and Minerals Development and Regulation Act and Section 184 of the Motor Vehicles Act.
3. I have heard the learned counsel appearing for the applicant and the learned APP for the respondent / State.
4. The complainant, on the date of incident, which took place on 11 January 2023 was working as Talathi and was part of squad

constituted for the purpose of preventing illegal excavation of minor minerals. It is alleged that on the date of incident the complainant and others had spotted the truck which was carrying Murum. They intercepted the said truck and found that there was no permit to carry Murum. They thus told the truck driver to park the truck in the premises of government godown. It is alleged that instead of doing so the truck driver tried to run over them and started fleeing away with the truck. It is alleged that when they started chasing the truck, he dashed the truck to their vehicle and fled away with the truck. According to the prosecution, the truck driver did the above acts on the instructions of the present applicant, who is the owner of the truck, as just before fleeing away from the spot he had made phone call to the applicant.

5. Admittedly, the applicant was not present at the time of alleged incident. Pursuant to the order passed by this Court dated 25 April 2023, the applicant has paid Rs.50,000/- to the complainant towards damage to his car and deposited Rs.50,000/- with Kirtikar Law Library. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail. In the result the following order is passed

ORDER

- A) The Application is allowed.
- B) In the event of arrest of the applicant in C.R. No. 25 of 2023 registered at Shikrapur Police Station, Pune for the

offences punishable under Sections 307, 353, 341, 283, 186, 120-B of the Indian Penal Code, Sections 9 and 15 of the Environmental Protection Act, Sections 3 and 4 of the Prevention of Damage to Public Property Act, Section 4A of the Mines and Minerals Development and Regulation Act and Section 184 of the Motor Vehicles Act, he be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

[N.R.BORKAR, J.]