

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 535 OF 2021

Babulal Mahadeo Kale ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Rupesh Zade alongwith Ms. Priyanka Gupta for the Applicant.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 17 JANUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 145 of 2020 registered at Baramati Taluka Police Station, for the offences punishable under Sections 353, 332, 392, 504, 506 r/w. 34 of Indian Penal Code, Sections 48(7), 48(8) of the Land Revenue Code and Section 15 of the Mines and Minerals Act.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. On 26 May 2020, this Court passed the following order :

“This is an application under Section 438 of the

Cr.P.C. filed by the Applicant apprehending his arrest in C.R. No.145 of 2020 registered with Baramati Taluka Police Station for offences punishable under Sections 332,353,392, 504 and 506 r/w 34 of the IPC, Sections 48(7), 48(8) of Land Revenue Code and Section 15 of Mines and Minerals Act.

2. The learned APP seeks time to take further instructions. Having considered the nature of allegations leveled against the Applicant, in my considered view this is a fit case for grant of interim bail with following conditions:

(i) In the event of arrest of the Applicant in C.R. No.145 of 2020 registered with Baramati Taluka Police Station, he shall be released on interim bail on furnishing PR bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

(ii) The Applicant shall report to the Investigation Officer as and when required for the purpose of investigation.

(iii) The Applicant shall not interfere with investigation or tamper with the witnesses during and after the investigation.

3. This order shall remain in force till disposal of the application on merits. Stand over to 07/07/2020.”

5. The allegations are of theft of sand. According to the prosecution, the vehicle involved in the crime was owned by the present applicant. The allegations in relation to Section 353 of IPC are against the co-accused. There are no other criminal antecedents. Considering the facts and circumstances of the case, I am inclined to allow the present application. In the result, the following order is passed :

(i) The interim order passed by this Court dated 26 May 2020 is hereby confirmed.

(ii) The application is disposed of.