

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

ANTICIPATORY BAIL APPLICATION NO. 3471 OF 2023

Baburao Dilip More ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Priyanka Gupta, for the Applicant.
Ms. Anamika Malhotra, APP for the State/Respondent.
PC M. H. Lhar, Daund Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 14th DECEMBER, 2023

OEDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.387 of 2022, registered with Daund Police Station, Pune Rural, for the offences punishable under Sections 15 and 9 of the Environment (Protection) Act, 1986, Sections 379, 439 and 511 of the Indian Penal Code, 1860 and read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.
3. On 2nd August, 2022 pursuant to an intimation Daund Police had conducted a raid on the banks of river Bhima at

Mauje Malthan. A person was seen illegally excavating sand. However, after noticing the police party, the said person fled away. Two suction boats and one fire boat used for illegal excavation of sand, were found at the spot. Hence, the report.

4. The learned Counsel for the applicant submitted that the FIR was lodged on the basis of suspicion. There is no material to establish the nexus between the applicant and the alleged offences.

5. The learned APP, on the other hand, submitted that the the applicant had made good his escape after noticing the police party. It was further alleged that the applicant was involved in identical activities in the past and CR No.81 of 2021 has been registered against the applicant for identical offences.

6. I have perused the allegations in the FIR. The raid was conducted at 3.15 pm. The person, who fled away, has not been described by the police party by his features. On the contrary, it is alleged in the FIR that the police party learnt from the villagers that the name of the person who fled away was, Baburao Dilip More; the applicant. Thus, a *prima facie* case to exercise the discretion in favour of the applicant is

made out. I am, therefore, impelled to allow the application subject to certain conditions.

7. Hence the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.387 of 2022, registered with Daund Police Station, Pune Rural, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Daund Police Station on 26th and 27th December, 2023 in between 10.00 am. to 1.00 pm. and, thereafter, as and when directed.
- (iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.
- (iv) The applicant shall not indulge in the identical activities in which he has been arraigned.

Application stands disposed.

[N. J. JAMADAR, J.]