



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

18 ANTICIPATORY BAIL APPLICATION NO. 821 OF 2024

ISAK SIKANDAR SAYYED
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr.Rajendra Deshmukh, Senior counsel a/w Mr.Jay Veer i/b Mr.Deshmukh
Devang Rajendra
APP for Respondent/State : Mr.P.K. Lakhotiya

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0200 of 2024 registered with Chakur Police Station, Chakur, Dist. Latur, for the offences punishable under sections 379, 420, 467, 468 read with 34 of the Indian Penal Code (For short, "IPC"), sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966, sections 3 and 15 of the Environment (Protection) Act and sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act.

2. It is prosecution's case that on 13th April, 2024, at about 3.15 hours on Nanded-Latur road, co-accused Sudam and Bablu were found transporting stolen sand unauthorizedly by Haiwa Tipper MH-05-AM-3550 and MH-24-AU-5730 respectively. Therefore, the informant and other police staff stopped them near Toll Plaza. It is alleged that they made inquiry about the permit and they shown e-permit, which was found to be forged. Therefore, the police seized the Haiwa Tipper

and sand worth of Rs.30,000/- and Rs.50,000/- respectively. The co-accused were drivers of the said vehicles. In interrogation, they informed that the applicant-owner of Haiwa Tipper had directed them for transporting the sand and sent the e-pass by Whatsapp. It is alleged that, the applicant has prepared the forged e-pass and sent it to the drivers on whatsapp. Those e-passes were forged and fabricated.

3. It is contention of the learned senior counsel for the applicant that the sand filled in the Haiwa was filled from the legal spot but due to Holiday legal permit was not there. So it can not be said that the sand was illegally taken from the river bed. The learned senior counsel further submitted that the investigation is completed. The charge-sheet has been filed against the applicant on 19th July, 2024, hence custodial interrogation of the applicant is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant has prepared the forged e-permit of transportation of sand, hence his custodial interrogation is required and requested to reject application.

5. I have heard both the learned counsel. Perused the F.I.R. and charge-sheet produced on record.

6. It appears from the record that the applicant is owner of Haiwa Tipper, in which the sand was transporting. It appears from the record that the said sand was picked up from the legal spot but due to

Holiday, there was no e-permit and said e-permit was forged by the applicant. The learned APP pointed out that during pendency of this application, the applicant was on interim relief and the applicant has produced the computer on which the said e-permit was prepared. It appears that the investigation is completed. Charge-sheet has been filed against the applicant. Considering these aspects, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0200 of 2024 registered with Chakur Police Station, Chakur, Dist. Latur, for the offences punishable under sections 379, 420, 467, 468 read with 34 of the Indian Penal Code, sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966, sections 3 and 15 of the Environment (Protection) Act and sections 4, 21 of the Mines and Minerals (Development and Regulation) Act, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following conditions :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]