



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1625 OF 2024

NILESH HANUMANT TARATE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr. R. D. Padaswan, Advocate for the applicant
Mr. P. P. Dawalkar, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 16th OCTOBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 609 of 2024 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under Sections 143, 147, 149, 307, 323, 332, 353, 379, 427, 504, 506 of the Indian Penal Code and Sections 3, 15 of Mines and Mineral Act.

2. The allegation is that the revenue authorities in routine course visited spot in riverbed of the river Sina. It was found that certain persons were illegally excavating therefrom. It is the contention of the informant that one of the accused whose name is disclosed in the first information report and number of other unknown persons gathered to the spot. They obstructed informant and others from carrying out there business. There is allegation of assault as well as allegation of causing

damage to the vehicle of the informant.

3. Learned counsel for the applicant submits that now investigation is over and charge-sheet is filed. It is his contention that the name of the applicant is not mentioned in the first information report and that his custodial interrogation is not necessary.

4. Learned APP opposed the application by referring to the investigation papers. He has also drawn attention of the Court to the transcript of the video recording of incident which shows that applicant was present at the spot along with co-accused.

5. Since, admittedly, investigation is over and charge-sheet is filed against some of the accused person, practically no further investigation is involved in this crime. Even perusal of the transcript of video of the incident does not indicate that the applicant was holding any weapon with him or committed any overt act, so as to require his custodial interrogation. Hence, application is allowed in following terms.

ORDER

(i) In the event of arrest of applicant in connection with Crime No. 609 of 2024 registered with Shrigonda Police Station, Dist. Ahmednagar for the offences punishable under Sections 143, 147, 149, 307, 323, 332, 353, 379, 427, 504, 506 of the Indian Penal Code and Sections 3, 15 of Mines and Mineral Act, he shall be released on bail on furnishing PR Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like

amount.

(ii) He shall attend the concerned police station once in a week.

(iii) He shall not contact the witnesses directly or indirectly.

(iv) He shall not interfere with the evidence in any manner whatsoever.

(v) He is further directed to cooperate the investigating agency for further investigation.

(vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp