



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1349 OF 2024

Ganesh Dnyaneshwar Kakde

VERSUS

The State Of Maharashtra And Another

- Mr. P. P. More, Advocate for the Applicant
- Ms. D. S. Jape, APP for the Respondent/State

CORAM : R.M. JOSHI, J

DATE : OCTOBER 21, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 218/2024 registered with Chandanjira Police Station, Dist. Jalna for the offences punishable under Sections 353, 379, 143, 147, 149, 504 of the Indian Penal Code and Sections 4 and 3 of the Mining Act.

2. First information report indicates that on 27.05.2024 at around 09.30 pm Informant and others intercepted hywa vehicle transporting sand. When enquiry was made to the driver about permits, he had no such permit with him. At that time, present Applicant and another accused came to the spot. They asked the authorities to release the vehicle. It was told by the

authorities to the accused that they will take the vehicle first to the police station and thereafter they will see what is to be done. It is alleged against present Applicant that he had made phone calls to political persons so also the revenue authorities and told whether any amount can be deposited on the spot. There is omnibus allegation that the persons present at the spot abused and threatened the authorities and they took away the vehicle.

3. Learned Counsel for the Applicant submits that the Applicant has no criminal history. It is his submission that except for the alleged contact with the revenue authorities and political persons, no overt-act has been done by the Applicant.

4. Learned APP opposed the application by referring to the FIR wherein it is specifically stated that all persons present their took away the vehicle.

5. There is no dispute about the fact that now the investigation is over and charge-sheet is filed. Vehicle is also seized. There is no specific allegation against present Applicant of committing any overt-act.

Nothing is to be recovered at his instance. He has no criminal history behind him and not likely to flee from justice.

6. Having regard to these facts, liberty of the Applicant is protected. Application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest of the Applicant in connection with C.R. No. 218/2024 registered with Chandanjira Police Station, Dist. Jalna for the offences punishable under Sections 353, 379, 143, 147, 149, 504 of the Indian Penal Code and Sections 4 and 3 of the Mining Act, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.
- (ii) He shall attend the concerned police station as and when required.
- (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.

(R.M. JOSHI, J.)