

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 925 OF 2024**

Nitin @ Aaba Pandurang Devkate	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Bhalchandra S. Shinde for the applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

Mr. A. A. Mirkale, Police Constable, Indapur Police Station, Pune Rural

**CORAM : MANISH PITALE, J.
DATE : 11th JUNE, 2024**

P.C. :

- . Heard learned counsel for the applicant and the learned APP.
2. The applicant in the present application apprehends arrest in connection with FIR dated 24.03.2021 registered at Indapur Police Station, Pune Rural. It is submitted that there are total 14 accused persons in this case and most of the accused persons have either been released on bail or they have been granted anticipatory bail.
3. The present case concerns alleged illegal excavation of sand at Indapur, involving the accused persons.
4. The learned counsel for the applicant submits that even if the statement leading to registration of FIR, is to be taken into consideration, the only allegation against the applicant is that he is allegedly the owner of a

boat that was used during the time of the incident. It is submitted that since the allegation against the applicant does not indicate his presence at the spot of the incident, the offence under section 353 of the Indian Penal Code, 1860 is totally irrelevant insofar as the applicant is concerned.

5. Attention of this Court is also invited to order dated 27.05.2021 passed by this Court in Anticipatory Bail Application No.1176 of 2021 (Coram: Nitin W. Sambre, J), wherein a co-accused applicant, similarly situated like the applicant in the present case, was granted interim protection, which was subsequently confirmed by order dated 29.07.2021 passed by this Court.

6. With the assistance of the learned APP, this Court has perused the material on record. The applicant is named in the statement leading to registration of FIR by driver of a vehicle, which was allegedly used to transport illegally excavated sand. It is simply stated that one of the boats in which the sand was allegedly transported, is owned by the applicant. Other than this, there is no role attributed to the applicant.

7. The applicant undertakes to co-operate with the Investigating Officer and in that light, this Court is inclined to allow the present application, particularly because a similarly situated co-accused person has already been granted benefit of anticipatory bail.

8. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0250 of 2021 dated 24.03.2021 registered at Indapur Police Station, Pune Rural for offences punishable under Sections 353 and 379 read with Section 34 of Indian Penal Code, 1860, Sections 9 and 15 of the Environment

(Protection) Act, 1986 and Section 4 of the Prevention of Damage to Public Property Act, 1984, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- (Rupees Twenty-five Thousand only) and one surety in the like amount.

- (ii) The applicant shall co-operate with the investigation. To start with, the applicant shall remain present before the Investigating Officer on 19.06.2024 and 20.06.2024 at 10:00 a.m. and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) He shall also co-operate in the proceedings before the trial court.

(MANISH PITALE, J)

Priya Kambli