

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

ANTICIPATORY BAIL APPLICATION NO. 2594 OF 2024

Rohit Sanjay Katore	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Shantanu Kolhe i/by Mr. Nitin G. Patil for the Applicant.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.
Mr. Dattatraya M. Sukale, PSI, Chakan Police Station.

CORAM: MANISH PITALE, J.
DATE : 25th SEPTEMBER 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0550 of 2024 dated 7th August 2024 registered at Chakan Police Station, Pimpri-Chinchwad, for offences under Section 287 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 4 of the Explosive Substances Act, 1908.

3. The informant in the present case is a Police Officer, who states that on information being received that illegal explosions were to be carried out for excavation, he along with two *panchas* reached the spot, where the two co-accused persons were apprehended with gelatin sticks and detonators. It is claimed that

these two co-accused persons, on being questioned, stated that the explosive substances were to be used for carrying out explosions, on the instructions of the applicant, for excavation on a hill owned by the applicant.

4. It is to be noted that the punishment for offence under Section 4 of the Explosive Substances Act, 1908, can be imprisonment, which may extend to 10 years or even to imprisonment for life.

5. The learned counsel for the applicant submits that the applicant does not own any land or hill in the village, as claimed in the FIR and he is a resident of a neighbouring village. It is further submitted that there is no material to link the applicant with the present offences, other than the statement of the informant i.e. the Police Officer, who was told by the co-accused persons that they were carrying the gelatin sticks and detonators on the instructions of the applicant.

6. The learned APP submits that since offence under Section 4 of the Explosive Substances Act, 1908 concerns an extremely serious matter, granting relief in the present application may not be appropriate.

7. This Court perused the investigation papers that were tendered by the learned APP. In the said papers, this Court could not find any statement made by the co-accused persons to the

effect that it was at the behest of the applicant that they were carrying the gelatin sticks and detonators. If that be so, it is only the statement of the informant/Police Officer that he was told by the co-accused persons about involvement of the applicant. There does not appear to be any other material to link the applicant with the offences in question. It would be appropriate that the learned APP takes further instructions in the matter to apprise this Court, as to whether any further material is available, during the course of investigation, indicating involvement of the applicant with the incident in question. But, till that time, the applicant has indeed made out a *prima facie* case in his favour for granting relief.

8. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0550 of 2024 dated 7th August 2024 registered at Chakan Police Station, Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 27th and 28th September 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

- (c) 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.
9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
10. List this application for further consideration on 24th October 2024, to be included in the supplementary list.

MANISH PITALE, J.