

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

ANTICIPATORY BAIL APPLICATION NO. 2921 OF 2024

1. Muktar Mainuddin Kazi
 2. Rupchand Balasaheb Dhage
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Prashant Hagare a/w Mr. Krishna Tarde for Applicants.
- Mr. Balraj B. Kulkarni, APP for Respondent.
- Mr. Santosh Malhari Shinde, API, Daund Police Station

CORAM : MANISH PITALE, J.

DATE : 11th NOVEMBER, 2024.

P. C. :

1. Heard Mr. Prashant Hagare, learned counsel for the applicants and Mr. Balraj Kulkarni, learned APP for respondent – State.
2. The applicants are apprehending arrest in connection with First Information Report No.0323 of 2024, dated 01.05.2024, registered at Police Station Daund, District Pune Rural, for offences under Sections 379 and 431 read with Section 34 of the Indian Penal Code, 1860 (IPC), as also Sections 9 and 15 of the Environment Protection Act, 1986 and under Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957.
3. At the outset, the learned counsel for the applicants submits that co-accused person, who was alleged to be at the place of the incident was granted anticipatory bail by this Court by order dated 14.10.2024 passed in

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.11.11
18:45:41 +0530

Criminal Anticipatory Bail Application No.2762 of 2024. It is submitted that there is no active presence or role of the applicants alleged in the present case.

4. The learned APP submits that the names of the applicants have come to the fore on the basis of information received and that at least one of the applicants has as many as 5 criminal antecedents, including offences under Mines and Minerals (Development and Regulation) Act, 1957.

5. Today, the investigation papers are not available with the learned APP to further assist this Court.

6. In this situation, this Court is inclined to grant interim relief to the applicants for the following reasons :

(i) The only role attributed to the applicants is that the co-accused persons escaped from the place of the incident in the vehicles said to have been registered in the names of the applicants.

(ii) Even according to the statement, leading to registration of the FIR, it is not alleged that the applicants were themselves present at the spot of the incident when the Minor mineral (sand) was said to have been illegally excavated and sought to be transported.

(iii) The applicants are ready to cooperate with the

investigation.

7. In view of the aforesaid reasons, there shall be interim order in the following terms :

- (A) Till the next date, in the event the applicants (1) Muktar Mainuddin Kazi and (2) Rupchand Balasaheb Dhage are arrested in connection with FIR No.0323 of 2024, dated 01.05.2024, registered at Police Station Daund, District Pune Rural, they shall be released on bail on furnishing PR Bonds of ₹ 25,000/-each with one or two sureties each in the like amount..
- (B) The applicants shall remain present before the Investigating Officer on 13th November, 2024, between 10:00 a.m. and 12 noon and thereafter as and when required by the Investigating Officer.
- (C) The applicants shall co-operate with the investigation.
- (D) The applicants shall not influence the informant, witness or any person concerned with the case and they shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List for further consideration on 09th December, 2024, “High on Board.”

(MANISH PITALE, J.)