

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3110 OF 2024**

Sanchit Anil Giramkar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Ms. Manisha Devkar, i/b. Ms. Siddhi S. Patil for applicant.

Mr. Kiran C. Shinde, APP for respondent-State.

Mr. Baban Jadhav, PSI, Daund Police Station, District Pune Rural.

**CORAM : MANISH PITALE, J.
DATE : 27th NOVEMBER, 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0323 of 2024 dated 01.05.2024, registered at Daund Police Station, District Pune Rural, for offences under Sections 15 and 9 of the Environment (Protection) Act, 1986; Sections 379 and 431 read with Section 34 of the Indian Penal Code, 1860 and Sections 4 and 21 of the Mines and Minerals (Regulation and Development) Act, 1957.

3. The informant in the present case is a police constable. His statement shows that on the date and time of the incident, when a team of police reached the spot of the incident, one JCB machine and three tractors and trolleys were being used for illegally excavating the sand from the river bed. It is alleged that although the co-accused, driver of one of the tractors was apprehended, two other co-accused persons including the Applicant escaped.

4. At the outset, the learned counsel for the applicant relies upon order dated 14.10.2024 passed by this Court in Anticipatory Bail Application No.2762 of 2024 (*Santosh Dattu Kothimbire vs. The State of Maharashtra*), stating that the said co-accused was granted relief of anticipatory bail and therefore, the applicant herein is also entitled to relief on the principle of parity. It is submitted that the case of the applicant is even better, for the reason that there is not even an allegation that the vehicle used at the time of the incident, is registered in the name of the applicant.

5. It is further brought to the notice of this Court that two other co-accused persons have been granted interim relief by this Court and their anticipatory bail application is pending.

6. The learned APP submits that the statements recorded during the course of investigation, show that the members of police party, who reached the spot where illegal mining of sand was undertaken, identified the applicant in the present application while he was escaping with the co-accused persons. It is submitted that the applicant has criminal antecedents also and therefore, this Court may not show any indulgence.

7. A perusal of the order passed in the case of **Santosh Dattu Kothimbire vs. The State of Maharashtra** (*supra*) shows that there is no difference in the nature of allegations levelled against the applicant and the said accused person. It is to be noted that while it is claimed that a tractor-trolley used at the time of the incident, was registered in the name of the said co-accused person, who is already granted relief by this Court, there is no such allegation against the applicant before this Court. Emphasis placed on the

members of the police party, who conducted the raid, identifying the applicant, at this stage, cannot be held against the applicant, for the reason that even according to the investigating authority, the applicant is not a resident of the said district and while mentioning his name in the FIR, it was stated that his full name was not known to police personnel, who identified him. This *prima facie* raises some doubt about the presence of the applicant at the spot of the incident.

8. As noted hereinabove, there is also no allegation of the vehicle used at the time when the incident took place, being registered in the name of the applicant.

9. In such a situation, when the applicant is ready to co-operate with the investigation, a case for granting anticipatory bail is made out.

10. In the light of the above, the application is allowed in the following terms:

- (i) In the event, the applicant is arrested in connection with FIR No.0323 of 2024 dated 01.05.2024, registered at Daund Police Station, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 29.11.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (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) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

11. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

13. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli