



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.483 OF 2024

(Dattatray Udhav Mante Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.484 OF 2024

(Madan s/o Narayan Misal and anr. Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.485 OF 2024

(Ravindra s/o Bhasker Lad Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Amale, Advocate for the applicants.
Mr. S.S. Hulke, APP for the State in ABA 483/2024.
Mrs. H.N. Prabhu, APP for the State in ABA 484/2024.
Mr. A.G. Mate, APP for the State in ABA 485/2024.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JULY 26, 2024.

Heard.

2. By these applications, the applicants are seeking pre-arrest bail in connection with Crime No.138/2024 registered with Police Station Andhera, District Buldhana for the offence punishable under Sections 379 read with Section 34 of the Indian Penal Code and Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966.

3. Learned Counsel for the applicants submitted that the accusation against the present applicants is on the basis of report lodged by Satish Santosh Tayade alleging that the present applicants and the other co-accused have

excavated the sand illegally and unauthorisedly and it was stocked by them. During the raid 1400 brass sand was recovered from them which was subsequently sold as per the government norms. He submitted that as far as the present applicants are concerned merely on suspicion their name is mentioned. They were not found excavating the sand, and therefore, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said applications on the ground that the applicants and other co-accused have found excavating the sand illegally and unauthorisedly, and therefore, their custodial interrogation is required.

5. Mr. Mate, learned APP and Mrs. Prabhu, learned APP submitted that there are criminal antecedents against the applicants namely Ravindra s/o Bhasker Lad, Madan s/o Narayan Misal and Sanjay Shankarrao Parhad.

6. I have heard learned Counsel for both the parties. Perused the recitals of the FIR from which it reveals that the sand is already recovered and sold as per the government norms. As far as the presence of the applicants is concerned they are not seen excavating the sand. Mere criminal antecedents are not sufficient to reject the anticipatory bail. In view of that, the interim protection granted to the present applicants deserves to be confirmed.

7. Hence, the applications are allowed. The interim protection granted to the applicants vide order dated 08/07/2024 is hereby confirmed on the same terms and conditions.

8. The applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*