



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1068 OF 2025

**IRFAN ISMAIL SHAIKH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Shri Tukaram M. Venjane, Advocate for the Applicants.
Shri M.K. Goyanka, APP for the Respondents/State.
...

CORAM : ADVAIT M. SETHNA, J.

DATE : 24 July 2025

P. C. :-

1. Heard the learned Advocates for the parties.
2. The Application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as the Applicants, who are the original accused Nos.1, 2 and 4, apprehend arrest.
3. The proceedings relate to Crime No.0123/2025. FIR is dated 17.05.2025 at 20:42 hours by the Shirur Anantpal Police Station, District Latur. The offences alleged are under Sections 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, under Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 and under Sections 3 and 15 of the Environment (Protection) Act, 1986. The informant is one Shri Achyut

Nagorao Suryawanshi, Police Sub Inspector.

4. There are six accused persons as noted in the FIR, out of which, accused Nos.1, 2 and 4 are before this Court. Accused No.3 was arrested and has been released on regular bail vide order dated 19.05.2025 passed by the learned Judicial Magistrate, First Class, Nilanga, District Latur.

5. Briefly, the FIR would reveal that on 16.05.2025 at about 7:15 pm, the Police team after receiving secret information about unauthorized excavation of sand from riverbed of Manjara river, raided the said place and found that with the help of iron boat and suction pump, the sand was being excavated and it was loaded in Hyva Tipper with the help of Poclain machine. After noticing the police team, 4 to 5 persons ran away from the spot, but the Hyva Tipper driver i.e. accused No.3 (Arjun Deche) was arrested on the spot. On the next day, the panchanama was conducted by the Revenue Authorities and the sand, boat, suction pump, Poclain machine and Hyva tipper were seized. It is alleged that accused Nos.1 and 2 are owners of the boat used for sand excavation and accused No.4 is owner of the Hyva Tipper. This is how the Applicants are being allegedly involved in the

offences in respect of which, the complaint has been recorded and the FIR has been lodged.

6. With the assistance of the learned Advocates for the parties, I have perused the the record available with the Court and the investigation papers/ case diary made available to the Court. A bare perusal of the FIR would reveal that there is no specific role attributed to these Applicants insofar as ingredients of sections under which alleged offences are stated to have been committed. It is to be noted that the names of these Applicants have been disclosed during the course of investigation by accused No.3, who was arrested from the spot. It is from his disclosure, it is revealed that accused Nos.1 and 2 were using the boat for alleged illegal excavation of sand and accused No.4 is the owner of Hyva Tipper, which was also used for the said purpose. Besides that, in the FIR the allegations qua these Applicants are of general/ omnibus nature. It is relevant to note that the boat, suction pump, Hyva tipper etc. have been seized and there is no further recovery to be effected by the prosecution from these Applicants.

7. Perusal of the case diary would reveal that various

statements of the officers of the raiding team have been duly recorded by the Prosecution. This would indicate that there is sufficient progress in the investigation.

8. The learned APP has strongly opposed the application. According to him, when such offences are involved, custodial interrogation of the accused would be necessary.

9. However, in my view, considering the factual conspectus in the present case as noted above a *prima facie* case is made out by the Applicants for grant of anticipatory bail.

10. In light of above and considering the fact that the Applicants have undertaken to cooperate with the investigation, they have no criminal antecedents and custodial interrogation is not warranted also as there is complete recovery, in my view, the following order would meet the ends of justice:-

ORDER

(i) In the event of arrest of the Applicants (Irfan Ismail Shaikh, Ishwar Vasantrao Patil and Aditya Balaji Patil) in connection with C.R. No. 0123/2025 registered with Shirur Anantpal Police Station, Dist. Latur for the offences punishable

under Sections 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, under Sections 48(7) and 48(8) of the Maharashtra Land Revenue Code, 1966 and under Sections 3 and 15 of the Environment (Protection) Act, 1986, the Applicants are directed to be released on bail on furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) each with one solvent surety in the like amount.

(ii) The Applicants initially shall attend the concerned Police Station at 11:00 AM on every Monday for a month and thereafter, as and when required by the Investigating Officer until filing of the charge-sheet. They are further directed to co-operate in the investigation.

(iii) The Applicants shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.

(iv) The Applicants shall not leave the jurisdiction of the Court without prior permission of the Court, until further orders.

(v) They shall not contact and/or influence the

witness/es and/or tamper with the evidence in any manner whatsoever.

11. **The Anticipatory Bail Application is allowed in the above terms.** However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this application.

kps

(ADVAIT M. SETHNA, J.)