



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

45 ANTICIPATORY BAIL APPLICATION NO. 1344 OF 2025

Appasaheb Punjaram Kolte,
Age: 58 years, Occu: Business,
R/o. Plot No.8, Ashish Building,
Adinath Nagar, Garkheda,
Chhatrapati Sambhajnagar.

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....
Mr. More Ashok A., Advocate for the Applicant
Mr. M. K. Goyanka, APP for the Respondent - State

.....
CORAM : NEERAJ P. DHOTE, J.

DATE : 13.10.2025

PER COURT :

1. Heard the learned Advocate for the Applicant and the learned APP for the Respondent – State. Perused the papers made available by the learned APP.

2. The Crime No.0416/2024 came to be registered with the Phulambri Police Station, District Aurangabad (Rural), for the offences punishable under Sections 303(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023 and Sections 21(1) and 21(2) (3) (4) (5) of the Mines and Minerals (Development and Regulation) Act, 1957. The Applicant is apprehending arrest in the said Crime.

3. On 06/09/2024, one (01) heavy vehicle was intercepted by the Officers of Revenue Department. In the said heavy vehicle, five (05) brass of minor mineral (murum) was found. During the inquiry with the vehicle driver, it was revealed that, the said transportation of the minor mineral was being carried out on the basis of Receipt No.29214 from Book No.585, and the period mentioned therein was 04/09/2024 till 11/09/2024. The said receipt was in the name of the Applicant's Firm i.e. *Siddhivinayak Infrastructure*. According to the Prosecution, though there was no permission for excavation of minor mineral for the said period, the said receipt was forged, and therefore, the aforesaid Crime came to be registered.

4. It is submitted by the learned Advocate for the Applicant that, the vehicle is seized. The said receipt is in the custody of the Investigating Officer. The Applicant has been protected in earlier three (03) Crimes by the learned Additional Sessions Judge. There was no need of his custodial interrogation, and therefore, the Application be allowed.

5. The Application is opposed by the learned APP. He submits that, the permission was for excavation from 21/06/2024 till 25/07/2024 and the said royalty TP book issued by the Government Office was

misused by mentioning the wrong period for excavation and it is the clear case of forgery and cheating. There were earlier three (03) such Crimes registered against the Applicant. The Revenue Authorities had issued show-cause notices to the Applicant to submit the royalty TP books; however, the Applicant did not submit the same and is absconded since then. He submits that, the Application be rejected.

6. There is no dispute that, the Firm, namely, *Siddhivinayak Infrastructure* is owned by the Applicant. The FIR indicates that, the receipt in the name of the said Firm was found with the truck driver, in which, the said minor mineral were being transported. The papers made available by the learned APP show that, the Revenue Officer had granted permission to the Applicant's Firm by order dated 21/06/2024 for the period from 21/06/2024 to 25/07/2024. There is nothing to show that, the Applicant's Firm was granted permission for the period shown in the receipt, i.e. from 04/09/2024 till 11/09/2024. This shows prima facie substance in the case of Prosecution. The police papers further show that, the concerned Revenue Officer had issued notice dated 09/09/2024 to the Applicant's Firm for deposit of royalty receipts by giving necessary details. The police papers also show that, similar three (03) Crimes bearing Nos.72/2022, 80/2009 and 261/2009 were registered with concerned Police Station against the Applicant. *Prima facie*, this

shows that, the Applicant is repeatedly indulging in similar type of activities. In this view of the matter, in my view, this is not a fit case to exercise the discretion under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the following order :

ORDER

. Anticipatory Bail Application is rejected.

[NEERAJ P. DHOTE, J.]

Sameer/October-2025