



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

ANTICIPATORY BAIL APPLICATION NO. 1701 OF 2025

Digambar Prakash Makone

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. D. R. Kale
APP for Respondent/State : Mr. P.D. Patil

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CORAM : MEHROZ K. PATHAN, J.

DATED : NOVEMBER 10, 2025

PER COURT :

1. Heard Mr. Kale, learned counsel for the applicant and learned APP for the respondent/State.
2. The applicant has approached this Court seeking anticipatory bail in connection with Crime No.309/2025 registered with Sonai Police Station, District Ahmednagar for the offences punishable under Sections 303 (2) of Bharatiya Nyaya Sanhita, 2023 along with Section 3 and 15 of the Environment Act.
3. From the F.I.R. it appears that police received secret information on 22.08.2025 that mineral sand is transported in tractor, trolley. Squad of police started patrolling. At about 10.00 p.m. on 22.08.2025 police squad found one tractor, trolley parked in front of house of accused. That house was situated in Gat No.226 of village Karajgaon. Tractor and trolley both were not having number plates. The trolley was loaded with mineral sand.

(2)

4. It is the submission of learned counsel for the applicant that the sand is already seized along with the tractor. The applicant is the owner of tractor and undertakes to cooperate with the investigation by attending police station, as there is nothing left to be recovered at the instance of the applicant.

5. As against this, learned APP submits that the sand theft is rampant in the area and as such during patrolling time, the tractor was found having 1.5 brass of sand in the tractor in front of house of the present applicant. The custodial interrogation of the applicant would be necessary to reveal if there are any other persons involved in the conspiracy of sand theft or sand mafia.

6. I have gone through the record made available by the learned APP and the F.I.R. The vehicle of sand was found on the spot and the sand of 1.5 brass is already seized by the Investigating Officer. Nothing remained to be recovered from the custody of present applicant. Hence, custodial interrogation of the applicant may not be necessary. Hence, I am inclined to protect the present applicant. Hence, the following order :

ORDER

(i) In the event of arrest of the Applicant – Digambar Prakash Makone, he be released on bail on furnishing PR. bond of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount, in connection with Crime No.309/2025 registered with Sonai Police Station, District Ahmednagar for the offences punishable under

Sections 303 (2) of Bharatiya Nyaya Sanhita, 2023 along with Section 3 and 15 of the Environment Act on the following conditions :

- (a) The Applicant is directed to attend the concerned police station and report to the Investigating Officer between 10:30 a.m. to 12:30 p.m. on Wednesday and Friday of every week, and as and when called, until the filing of charge-sheet.
- (b) The applicant shall not tamper with the prosecution evidence; and shall not influence the witnesses.
- (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and of two of the near relatives.
- (d) The applicant shall attend the trial regularly except in emergency, he can seek exemption from the trial court.
- (e) The application stands disposed of.

(MEHROZ K. PATHAN, J.)