

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1222 OF 2025

Dhananji Sambhaji Kumbhar ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Sachin Deokar for Applicant.

Mr. A. S. Shalgaonkar, APP for the Respondent-State.

API Mr. Rohit Shinde, Karmala Police Station, present.

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CORAM : SHIVKUMAR DIGE, J.
DATE : 26th SEPTEMBER 2025

P.C.

1. Applicant is apprehending arrest in Crime No.128 of 2025 registered with Karmala Police Station, Solapur Rural for the offences punishable under Sections 15 and 9, of Protection of Environment Act, 1986, Sections 3 and 4 of the Prevention of Damages of Public Property Act, 1984, under Sections 3 of the Mines Act, 1952 and under Sections 3(5), 62, 303(2) and 328 Bhartiya Nyaya Sanhita, 2023 (for Short "BNS").

2. It is prosecution's case that on 18th February, 2025 at around 5.15 p.m. when PI Mr. Vinod Ghuge and his team was taking inspection at Ujani dam area to check if there is excavation of sand or

not. They found one boat and suction pump. After looking the police team, the person presents in the boat ran away. The police inquired about the person, who ran away and in inquiry the police came to know that the said boat and suction pump belongs to applicant but they did not get information about the person, who fled from the spot.

3. It is contention of learned counsel for applicant that applicant has been falsely implicated in this case. The Police came to know about the name of the applicant from the inquiry but the police did not find sand at the incident spot. The incident was happened in the month of February-2025. Investigation is almost completed. Hence, requested to allow the application.

4. It is contention of learned APP that the boat which was found in the dam area was belongs to applicant. Considering this facts, custodial interrogation of the applicant is required. Hence, requested to reject the application.

5. I have heard both the learned counsels, perused the FIR and documents placed on record. As per prosecution's case, the person who was present in the boat was other person. In inquiry it revealed that the said boat belongs to applicant but no documents is produced on record to show that the said boat and suction pump is belongs to

applicant. Considering these facts, custodial interrogation of the applicant is not required. Hence, I pass the following order.

ORDER

- (i) Application is allowed;
 - (ii) In the event of arrest, the applicant be enlarged on bail in Crime No.128 of 2025 registered with Karmala Police Station, Solapur Rural, on executing P.R.Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
 - (iii) The applicant shall attend the concerned police station as and when required.
6. The application is allowed in the aforesaid terms and is accordingly disposed off.
7. It is made clear that the above observations are made only for the purpose of granting anticipatory bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)