

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2330 OF 2025

Dattatray Dhondiram Kale

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shankar Katkar i/b Manisha Devkar, Advocate for the Applicant.

Dr. Ashvini A. Takalkar, A.P.P., for the Respondent – State.

Mr. Dipak Pawar, Phaltan Rural Police Station – Present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th SEPTEMBER, 2025.

Digitally
signed by
SHANTANU
SHANKARSA
DHUDUM
Date:
2025.09.26
18:47:12
+0530

P.C. :

1. The Applicant is apprehending arrest in C.R. No. 1494 of 2023 registered with Phaltan Rural Police Station, District: Satara, for the offences punishable under Sections 379, 341 and 186 read with Section 34 of the Indian Penal Code, 1860 (for short, “IPC”).
2. It is prosecution’s case that the Applicant has excavated silt from the dam exceeding the permissible limit granted to him.
3. It is contention of learned counsel for the Applicant that there is a 9 days delay for lodging the complaint. Though, complaint

was lodged in year 2023, the Applicant was not arrested till the date. Investigation is almost completed. Hence, requested to allow the application.

4. It is contention of learned APP that the Applicant has excavated the silt from the dam exceeding the permissible limit. He has caused loss to the ex-chequer of the Government. Hence, requested to reject the application.

5. I have heard both learned counsel, perused F.I.R. and documents produced on record.

6. Though F.I.R. is lodged in year 2023, no NB warrant or Proclamation procedure was followed against the Applicant. There is a delay of 9 days for lodging the complaint. The Applicant has co-operated with the investigation when he was on interim relief. To prove the charges levelled against the Applicant, evidence is required. Considering these facts, his custodial interrogation is not required, and I pass the following order:

ORDER

- i. The application is allowed.
- ii. In the event of arrest, the Applicant be enlarged on bail

in connection with C.R. No. 1494 of 2023 registered with Phaltan Rural Police Station, District: Satara, on furnishing P.R. Bond in the sum of Rs.50,000/- with one or tow sureties in the like amount.

- iii. The Applicant shall mark his attendance to the concerned police station as and when required.
- iv. The Applicant shall remain present before the trial Court on each date unless exempted by the trial Court.
- v. The Applicant shall inform his latest place of his residence and mobile number immediately after being continuation of bail and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- vi. The trial Court shall not be influenced by the observations made in this order and shall decide the matter on its own merits and in accordance with law.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. All the concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)