

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2346 OF 2025**

Shabbir Maula Mulani

...Applicant

Versus

State Of Maharashtra

...Respondent

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Mr. Amit Sale a/w Mr. Shreyas Karajgar i/b Mr. Rahul Kate, Advocate
for the Applicant.

Mr. S. H. Yadav, APP, for the Respondent – State.

API, Girija Mhaske, Karmala Police Station – present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 25th NOVEMBER, 2025.

P.C.

1. Applicant is apprehending arrest in Crime No.581 of 2025 registered with Karmala Police Station, Dist. Solapur for the offences punishable under Sections 303(2), 328 of the Bhartiya Nyaya Sanhita (for Short “BNS”) and Sections 9 & 15 of the Environment Act, 1986.

2. It is prosecution’s case that on 19th July, 2025 the applicant, for his benefit, without taking any permission or paying any loyalty, has unlawfully excavated the sand from the reservoir of Ujani dam with the help of mechanical boat and committed theft for selling the same.

3. It is contention of learned counsel for applicant that there was heap of sand. The applicant has neither stolen the sand nor sold it. The heap of sand is found on the spot. Investigation is almost completed. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of learned APP that the applicant had excavated sand from the reservoir of Ujani dam and collected heap of sand for selling it. The mechanical boat, which was used for excavating the sand, is yet to be recovered. Considering allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsels, perused the FIR and documents produced on record.

6. The allegations against the applicant are that he had excavated the sand without any permission or paying any loyalty from the reservoir of the Ujani dam and stored it for sale. The applicant is absconding since the offence is registered. The mechanical boat which was used for excavating the sand, is yet to be recovered. Investigation is in progress. Considering these facts, custodial interrogation of the applicant is required and I pass the following order :

ORDER

The Anticipatory Bail Application is rejected.

(SHIVKUMAR DIGE, J.)