

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

Anticipatory Bail Application No. 2921 of 2024

1. Muktar Mainuddin Kazi
Age 31, Occ. Agriculturist,

2. Rupchand Balasaheb Dhage
Age 30, Occ. Agriculturist,
R/at : Pedgaon, Tal. Shrigonda,
Dist.: Ahmednagar

... Applicants

versus

The State of Maharashtra
(At the instance of Sr. Pl.
Daund Police Station, Daund,
Dist. Pune.)

...Respondent

Mr Prashant Hagare a/w Mr Krishna Tarde, for the Applicants.
Mr Prashant Jadhav, APP, for Respondent / State.
GPSI B J Jadhav, Daund Police Station, Pune, is present.

**Coram: R.N. Laddha, J.
Date: 27 June 2025**

P.C.:

Heard learned Counsel for the applicants and learned APP
for respondent/ State.

2. By this application, the applicants seek pre-arrest bail in
connection with CR No.323 of 2024, registered at Daund

Police Station, Pune, for offences punishable under Sections 15 and 9 of the Environment (Protection) Act, 1986; Sections 379 and 431 read with 34 of the Indian Penal Code, 1860 (IPC) and Sections 4 and 21 of the Mines and Minerals (Regulation and Development) Act, 1957.

3. In the present case, the informant is a Police Constable. According to his statement, on the date and time of the incident, a police team arrived at the scene and observed one JCB machine and three tractors with attached trolleys being used for the illegal excavation of sand from the river bed. It is alleged that while one of the tractor drivers, a co-accused, was apprehended at the spot, others managed to flee the scene.

4. At the outset, the learned Counsel for the applicant has drawn attention to the orders dated 14 October 2024 passed in anticipatory bail application No.2762 of 2024 (Santosh Dattu Kothimbire Vs. State of Maharashtra and the order dated 27 November 2024 (Sanchit Anil Girankar vs. State of Maharashtra), wherein this Court granted anticipatory bail to the co-accused. The learned Counsel submits that the applicants' case stands on similar footing and thus deserve the same relief on grounds of parity. He further submits that no specific allegations that any of the vehicles involved in the

offence were registered in the name of the present applicants distinguishing his case favourably from that of the co-accused Santosh who has already been granted relief. The learned Counsel further submits that none of the vehicles allegedly involved in the offence was registered in the name of the applicants. He further submits that the police personnel purportedly identified the applicants at the scene cannot be given weight at this stage as the applicants are not residents of the district where the incident occurred.

5. The learned Additional Public Prosecutor representing the respondent/ State, submits that fairly acknowledges that the investigation in the present matter has concluded and the charge sheet has already been filed. The learned APP further concedes that the co-accused have already been granted anticipatory bail.

6. In light of the above circumstances, including the absence of ownership of the vehicles in question, the uncertainty surrounding the applicants' identification, the fact that a charge sheet has already been filed, and the granted of anticipatory bail to similarly placed co-accused, a *prima facie* case for granting anticipatory bail to the present applicants is made out. Hence, the following order.

ORDER

(i) In the event of the applicants' arrest in connection with CR No.323 of 2024, registered at Daund Police Station, Pune, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants, themselves or through any other person, shall not indulge in any activity that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)