

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1654 OF 2025

Harshal Ramesh Shinde And Another

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. Apparao Bhimrao Kharosekar
APP for Respondents: Mr. K.K. Naik.

CORAM : MEHROZ K. PATHAN, J.

DATE : 19th JANUARY, 2026.

P.C. :-

1. The applicants have approached this Court seeking anticipatory bail in connection with crime No. 344 of 2025 registered with M.I.D.C. Police Station, District Ahilyanagar for the offences under Section 132, 303-2, 351-2, 352 r/w. 3-5 of the Bhartiya Nyaya Sanhita.

2. The applicants are alleged to have excavated the Murum from the forest land by means of dumper and JCB Machine. The Forest Officials who were on patrolling duty had tried to obstruct such excavation. The vehicle driven by unknown persons ran away from the spot after complainant and other officials of the Forest Department were chasing the said vehicles. The applicants as well as the other co-accused had arrived there on motorcycle, obstructed the way of the complainant forest officials and had abused them and threatened them with dire consequences, if they take any action against the applicants.

3. The learned counsel for the applicants submits that the applicants are neither owners of the vehicle and had no desire to excavate the Murum from the spot of incident. The vehicles were not followed and seized even though the said vehicles were said to be seized by the complainant and other forest officials. A concocted and false story is created only to implicate the present applicants who are working in the said area. The applicants have no criminal antecedents and are ready to abide by the conditions that may be imposed by this Court.

4. As against this, the learned APP vehemently opposed the application on the ground that the applicants are alleged to have excavated the sand/Murum from the belonging to the Forest Department.. The applicants are specifically named in the FIR threatening the complainant and other officials of the forest department performing their official duty by use of criminal force and assault. The statements of the complainant and other two witnesses who were accompanying the complainant are also recorded which corroborate the allegations made in the FIR. The applicants have used criminal force in pushing the complainant and other forest officials and obstructed them to chase the vehicles i.e. dumper and JCB, which were used to excavate the Murum from the forest land. The offences are serious in nature and as such, the application may not be entertained.

5. I have seen the investigation papers made available by the learned APP and have also heard the arguments of the learned counsel for applicants Mr. Apparao Kharosekar. The FIR clearly names the present applicants to have obstructed the complainant who is a public servant. The applicants are alleged to have executed the Murum from the forest land. The investigation papers show the Panchanama dated 28.4.2025, wherein, huge amount of Murum appears to have been excavated, which is prepared in presence of the Panchas. The panchas have also signed the

Panchanama. The crime detail chart is also prepared which shows the excavation of huge quantity of Murum from the forest land. The google map showing latitude and longitude of the area, wherein, huge excavation of Murum seems to have been done. The same is part of investigation papers. Statement of Avinash Telhare, Manish Jadhav and Dinkar Shinde also corroborate the allegations in the FIR.

6. Taking into consideration the material collected by the prosecution in support of the allegations in the FIR, I am not inclined to protect the applicants in exercise of discretion under Section 482 of the BNSS. Hence, the application is hereby rejected.

[MEHROZ K. PATHAN]
JUDGE.

grt/-