

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 409 OF 2026

Ramvilas Kautikrao Thombare And Others

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

Advocate for Applicant : Mr. Ade Ravindra B.
APP for Respondents: Mr. A.S. Shinde.

CORAM : MEHROZ K. PATHAN, J.

DATE : 21st APRIL, 2026.

P.C. :-

1. The applicants have approached this Court seeking anticipatory bail in connection with Crime No. 63 of 2026 registered with Bhokardan Police Station, District Jalna, for the offences punishable U/Sec. 132, 189-2, 190, 191-2, 303-2, 351-2, 351-3 of the Bharatiya Nyaya Sanhita and U/Sec. 3, 4 & 21 of the Mines and Minerals Act and U/Sec. 48-7 & 48-8 of the Maharashtra Land Revenue Code Act and U/Sec. 3 & 7 of the Prevention of Damage to Public Property Act, 1984.

2. The case of the prosecution is that upon receiving secret information on 14/02/2026 at about 5.30 p.m. to 6.00 p.m. SDO, Tahsildar along with staff members went to Mouje Jawkheda-Thombare for detecting illegal excavation and transportation of mines and minerals i.e. sand. When they had been at the bank of river, they noticed organized gang were carrying out excavation of sand from the bank of river. Upon noticing government officials, other accused Persons were trying to fly away. Some of the accused in collusion with each other had

chased official squad including informant and staff members including motorcycles and swift car. One Somnath alighted from swift car. Applicants alighted from motorcycle. They restrained way of informant and gave threats. While informant was taking possession of tractor, other accused caused obstruction in discharge of official duty of informant. Applicant along with others have restrained informant and staff members. They gave threats. Tractor owner Jagdish, owner of JCB one Ravi and driver Rajendra tried to give dash to the government vehicle of informant. They also wrongfully restrained informant and official staff. Accordingly present crime is registered..

3. The learned counsel for the applicants submits that there is a delay of 3 days in lodging the FIR. The vehicles allegedly used in the commission of offence are already seized. Four of such accused, who were arrested in the said crime are released on regular bail vide order dated 26.2.2026 passed by the Additional Sessions Judge -4, Jalna in Sessions Case No. 134 of 2026. The applicants were not present at the time of commission of offence and are named only on suspicion in the said crime. The applicants are not having any criminal antecedents and are ready to abide by the conditions that may be imposed by this Court. As nothing remains to be recovered from the applicants, the applicants may be released on anticipatory bail.

4. Per contra, learned APP Mr. Shinde strongly opposes the application on the ground that the applicants are involved in a serious offence obstructing the public servants from discharging their official duties. The applicants are involved in the offence of attempt to commit murder, which is punishable with life imprisonment. The applicant Rajendra, who was allegedly driving the vehicle, is alleged to have made an attempt to run over the complainant by JCB. The applicants, if released on bail, are likely to commit offences of obstructing public

servants from discharging their duties and may again commit an offence of sand theft . Though the other accused are released on bail, the principle of parity would not apply in that case. The application may therefore be rejected.

5. I have gone through the investigation papers made available by the learned APP. The FIR shows that there is delay of 3 days in lodging of the FIR. The applicants were not known to the complainant however were named in the FIR upon inquiry. The other co-accused are already released on regular bail. The vehicles used in commission of the offence were seized. The vehicles i.e. JCB is also released in favour of the owner. The entire investigation appears to have been complete. Nothing remains to be recovered. The applicants are not having any criminal antecedents and are ready to abide by the conditions that may be imposed. Hence, I am inclined to protect the applicants. Hence, the following order :-

ORDER

[I] In the event of arrest of the applicants, in connection with Crime No. 63 of 2026 registered with Bhokardan Police Station, District Jalna, for the offences punishable U/Sec. 132, 189-2, 190, 191-2, 303-2, 351-2, 351-3 of the Bharatiya Nyaya Sanhita and U/Sec. 3, 4 & 21 of the Mines and Minerals Act and U/Sec. 48-7 & 48-8 of the Maharashtra Land Revenue Code Act and U/Sec. 3 & 7 of the Prevention of Damage to Public Property Act, 1984, the applicants :-

[i] Ramvilas S/o. Kautikrao Thombare

[ii] Rajendra s/o. Shriram Sahane and

[iii] Sominath S/o. Punjaram Thombare

be released on bail on furnishing PR Bond in the sum of Rs. 50,000/- each, with one or more sureties in the like amount,

on the following conditions :-

[i] The applicants shall attend the concerned police station and report to the Investigating Officer on every Monday and Tuesday i.e. on 27th, 28th April, 2026, 4th and 5th May, 2026 between 2.00 p.m. to 5. 00 p.m. and thereafter as and when called by the Investigating Officer and shall cooperate with the investigation.

[ii] The applicants shall not tamper with the prosecution evidence.

[iii] The applicant shall not enter the jurisdiction of Bhokardan Tahsil till filing of charge sheet.

[iv] A single violation of the conditions shall entitle the prosecution to seek cancellation of bail.

[v] The applicants shall submit their Aadhar and Pan card to the Investigating Officer alongwith mobile numbers and addresses of two of their near relatives and his present address.

[vi] The application stands disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-