

MHJN110006062026



Order below Exh. 1 in Cri. Bail Application No. 302/2026
(Pawan & Ors. Vs. State)

The applicant/accused seek anticipatory bail pertaining to the Crime bearing No.172/2026 registered against him in Gondi police station Tq. Ambad, Dist. Jalna in respect of offence punishable under Section 303 (2), 223 of BNS, Sections 48 (7)(8) of The Maharashtra Land Revenue Code & Sections 4 & 21 of Mines and Minerals Act.

2. In short, the applicant/accused submits that he has been falsely implicated in the matter. He is not concerned with the crime. Nothing is to be recovered from him and as such his custodial interrogation is not required. He is permanent resident given address of his application and ready to abide any conditions that would be imposed by this court. Hence, the applicant/accused prayed that, he be released on anticipatory bail.

3. The learned APP prayed for rejection of application on the ground that the investigation revealed the role of this applicant/accused and he is involved in extracting sand from river bed. If the applicant/accused is released on anticipatory bail, he may flee from justice and tamper with the evidence and intimidate the witnesses.

4. Heard the learned Advocate for the applicant/accused and learned APP for State. Perused the documents produced by the

prosecution.

5. The main allegation against the applicant/accused is that, he has committed theft of sand. The applicant/accused is permanent resident of given address. He showed his willingness to cooperate with the investigating officer as and when required. The apprehension of the prosecution that the applicant/accused may tamper with the evidence and threaten the witnesses can be taken care of by imposing certain conditions. Record shows that nothing remains to be seized from possession of applicant/accused. Therefore, custodial interrogation of applicant/accused is not necessary. Applicant/accused has made out prima-facie case to release him on anticipatory bail. Informant can take action against applicant/accused under under Mines and Minerals Act according to law. The Revenue Authority can take necessary action against the vehicle involved in the present crime according to Provisions of Maharashtra Land Revenue Code. Prosecution has failed to put up justified reasons to reject the application. Thus, considering the entire aspect of the case, I am inclined to grant anticipatory bail to the applicant/accused with certain conditions. Hence, the following order :-

ORDER

- (1) The application (Exh.1) is allowed.
- (2) In the event of arrest of **Pawan Shivaji Mirkad** in Crime bearing No.172/2026 registered against him in Gondi police station Tq. Ambad, Dist. Jalna in respect of offence punishable under Section 303 (2), 223 of BNS, Sections 48 (7)(8) of The Maharashtra Land Revenue Code & Sections 4 & 21 of Mines and Minerals Act, shall be released on anticipatory bail on his executing personal bond of Rs.50000/-with surety in like amount, on the following conditions:
 - (i) Applicant/accused shall not pressurize the informant and prosecution witnesses in any manner.

- (ii) Applicant/accused shall not tamper with the evidence of prosecution.
 - (iii) Applicant/accused shall attend the concerned police station before the investigating officer when and where called on written requisition till filing of charge-sheet.
 - (iv) Applicant/accused shall submit authentic proof of their residence.
- (3) Inform the concerned police station accordingly.

Date : 23/06/2026

(M. J .J. Baig)
Additional Sessions Judge,
Ambad

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Certificate

“I affirm that the contents of this PDF File are word to word as per original order”.

Name of the Steno : Navnath D. Sahane
Name of the Court : Additional Sessions Judge, Ambad
Date : 23/06/2026

sd/-

Signature of Stenographer