

ORDER BELOW EXH 4

Apprehending the arrest in connection with C.R. No. 55/2026 registered in Bavdhan Police Station under Section 303(2) of BNS, u/s. 4-A of the Mines and Minerals (Development and Regulation) Act, 1957, the applicants Mohammad Nooruddin Shaikh and Iqbal Maula Shaikh have filed this application for pre-arrest bail under Section 482 of BNSS. By way of this application they are praying for interim protection from their arrest pending the hearing and decision of the main application.

2. Heard Shri Abid Mulani, the learned advocate for the applicants and perused the copy of FIR. The FIR has arisen out of the alleged incident of excavation of Murum illegally. The applicants have produced on record the agreement of sale by which they have acquired the right of excavation and they have also got the permission from Tahsildar, to excavate Murum to the extent of 200 Brass. Some royalty issue arose and the proceeding is said to be pending before Tahsildar. In the meantime, Bavdhan police issued notice to the applicants u/s. 35(3) of BNSS, to which the applicants contents that they have submitted their explanation. The Ld. Advocate submits that the case is prima facie of non-payment of requisite royalty and not of theft.

3. Having considered the nature of dispute which prima facie appears to be dealt with by the competent authority and the Ld. Advocate sites Section 22 of the Mines and Minerals Act, to submit

that, the Court shall not take cognizance of any offence of that Act, except upon a complaint made by the person authorized in that behalf by the Central Government or the State Government. The complaint is not lodged by any such authorized person.

4. According to me, considering the scope of the investigation, I find a case for granting ad-interim protection to the applicants. Let the prosecution file the say on the main application and the main application can be decided on its merit and in the meantime, the protection from arrest of the applicants can be granted as police have issued them the notice to appear for inquiry. The requirement of arrest of the applicants can be looked into at the time of hearing on the main application. Hence, the order.

ORDER

1. Application is allowed.
2. The interim protection is granted to the applicants Mohammad Nooruddin Shaikh and Iqbal Maula Shaikh from their arrest in connection with C.R. No. 55/2026 registered in Bavdhan Police Station under Section 303(2) of BNS, u/s. 4-A of the Mines and Minerals (Development and Regulation) Act, 1957 till 18/03/2026.
3. Inform Bavdhan police station accordingly.
4. Call the say of prosecution and investigating officer on main application.

Pune

Date: 07/03/2026

(S.R. Salunkhe)

Additional Sessions Judge, Pune.