

MHPU010029702026



ORDER BELOW EXH 1

Apprehending the arrest in connection with C.R. No. 55/2026 registered in Bavdhan Police Station under Section 303(2) and 3(5) of BNS and under Section 4(a) of Mines and Minerals (Regulation and Development) Act, 1957, the applicant **No. 1 Mohammed Nooruddin Shaikh** and **No. 2 Iqbal Moula Shaikh** have filed this application for pre-arrest bail under Section 482 of BNSS. They contend that this is their first bail application and no other bail application is filed in any other court.

2. The informant Sharad Sudam Sanap is Village Revenue Officer of village Sus and on 12/12/2025 he found that the accused are excavating murum without permission of the Competent Authority. He made report to the Tahasildar and Tahasildar conducted inquiry. On 13/02/2026 the Sub. Divisional Officer visited that place and on inspection he ordered to take legal action against the accused. Accordingly, the complaint was lodged and the crime has been registered.

3. The learned advocate for the applicants submits that the maximum punishment provided for the offences is not more than 5 years and therefore the I.O. has issued notices to the accused and

accordingly they have appeared before I.O. and cooperated the investigation. However, the applicants are likely to be arrested and therefore they have come with this application.

4. The I.O. has filed say (Exh. 5) stating that the notices were served with the applicants and they are cooperated in the investigation. Therefore, their arrest is not necessary. The Ghogare-Patil, the learned APP submits in consonance with the say.

5. Having found that the arrest of the applicants is not necessary, it would be just to release them on anticipatory bail with certain conditions to ensure proper investigation of the crime. Hence, the order.

ORDER

1. Application is allowed.

2. In the event of arrest of applicants **No. 1 Mohammed Nooruddin Shaikh** and **No. 2 Iqbal Moula Shaikh** in connection with C.R. No. 55/2026 registered in Bavdhan Police Station under Section 303(2) and 3(5) of BNS and under Section 4(a) of Mines and Minerals (Regulation and Development) Act, 1957, they be released on bail on their furnishing P.R. of the sum of Rs.30,000/- each with one surety of the like amount on following conditions-

a) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

- b) The applicant shall attend Bavdhan Police Station as and when directed by the Investigating Officer in writing till submission of Charge-sheet or final report.
 - c) The applicant shall furnish the proof of his permanent residence and his contact numbers and also the contact numbers of his two near relatives and shall update such information as and when there is any change therein.
3. The breach of any of these conditions may entail a ground for cancellation of this bail forthwith.
 4. Issue letter to Bavdhan police station accordingly.

Pune

Date: 04/04/2026

(S.R. Salunkhe)

Additional Sessions Judge, Pune.