

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1275 OF 2015

Shri. Ajit Shivram Kini and ors. ....Applicants.  
Vs.  
The State of Maharashtra. ....Respondents.

Mr. A.P. Munderggi, Sr. Advocate i/by Mr. Hrishikesh Munderggi  
for the Applicant.  
Ms. S.S.Kaushik,APP. for the State.

**CORAM : A.S.GADKARI, J.**  
**DATE : 01st December 2015.**

P.C.

The applicants are seeking pre-arrest bail in CR No.I-388 of 2015 registered with Virar Police Station under Section 395,342, 353,506 of the Indian Penal Code and under Section-48(7) and 48(8) of the Maharashtra Land Revenue Code,1968 and under Section 15 and 19 of the Environment Act.

2) It the case of the prosecution that the complainant Talathi of Vasai, Tahsildar Office on 4.2.2015. at about 7.00 a.m. along with Tahsildar Mr. Sunil Koli and other Government servants were proceeding for inspection of sand plot by a Government vehicle. At the relevant time they noticed that the truck bearing No. MH-04-DK-8427 coming from Kopar and therefore, they stopped the said vehicle for verification of the goods loaded inside the truck. At that relevant time the driver ran away leaving the truck at the spot. While the Government servants were in the process of calling another driver and

removing the truck to a safe spot, accused persons named in the FIR namely Waman Kini and Mahesh Kadu along with 10 to 15 persons came on the spot and they obstructed and prevented the public servants from performing their lawful duty. They also assaulted the public servants and deterred them from complying with the provisions of the law. In the circumstances, the said FIR was registered as stated herein above.

3) Mr. Mundergi, learned counsel for the applicant submitted that the applicant Nos. 1 to 3 are the members of Gram Suraksha Dal formed and constituted by the Virar Police Station and as such, they were known to the Tahsildar also and therefore, there is no question of their names being surfaced in the crime during the investigation. The Investigating Officer Shri. Sunil Mane has filed a detailed affidavit in the present application. It has been stated that during the course of investigation the names of the present applicants revealed. He has further stated that the revenue officers are being terrorized by the sand mafia when such officers are trying to perform their lawful duty. I find substance in the said contention of the Investigating Officer.

4) The assault on the public servant is otherwise also on rise in the present days and after taking into consideration the role attributed to the present applicants which has

surfaced during the course of investigation the custodial interrogation of applicants is necessary, I find that there is no merit in the present application and the present application is accordingly dismissed.

(A.S. GADKARI, J.)