

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.415 OF 2016

Santosh Dadarao Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.J.D.Mane, Advocate, for the Applicant
Smt.Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 16.03.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No.208 of 2015 registered with the Kurduwadi Police Station, Solapur for the alleged offences punishable under Sections 353, 379 r/w.34 of the Indian Penal Code and under Sections 9 and 15 of the Environment Act.

3. Learned counsel for the Applicant states that the incident in question had taken place on 19.12.2015, at about 4.15 p.m., when the complainant who is a Tahasildar, was on patrolling duty. According to the complainant while on patrolling duty, he noticed one tipper MH-09/CA/1004 coming from the opposite side. As the tipper was transporting sand, they signaled and asked the driver of the tipper to stop the tipper. However, the driver of the tipper did not stop and instead, attempted to drive the tipper on them. It is further stated that when they chased the tipper and when the tipper reached village Laul, one Scorpio jeep came there and one person from the said jeep, spoke to the driver of the tipper, pursuant to which the driver ran away from the spot, after parking the said tipper near the canal road. It is stated that the owner of the jeep disclosed his name, as Arvind Atkale and on being questioned disclosed the name of the present

Applicant, as being the driver of the tipper. The name of the owner of the tipper was also disclosed to the complainant. It was disclosed to the complainant, that no royalty was paid for the sand.

4. Learned counsel for the Applicant submitted that the owner of the Scorpio jeep as well as the owner of the tipper have been arrested and are presently in custody. He submitted that the Applicant is a young boy aged 21 years and as such he be granted pre-arrest bail.

5. On 08.03.2016, the Applicant was granted interim protection as the investigating officer was not present and the learned APP sought time to take instructions. Learned APP states that despite the directions given to the Applicant to attend the concerned police station from 10th to 12th March, 2016, between 11.00 a.m. to 1.00 p.m., the Applicant failed to attend the police station. She

submits that the Applicant attended the police station only on one day i.e. 10th March, 2016 that too at 7.00 p.m.. Learned APP states that all the accused in the said case have been arrested. She submits that considering the conduct of the Applicant, he is not entitled to any protection. She submits that when the Govt. officers in the car tried to stop the vehicle, which was being driven by the Applicant, the Applicant tried to dash their vehicle and drove towards them. She relied on the statement of Ramesh Shendge, Dhananjay Pore & Atul Dahitankar. All the statements show, that when they tried to stop the tipper, which was being driven by the Applicant, instead of stopping the tipper, he tried to drive the vehicle on the said persons, who were in the car and as such attempted to commit an offence punishable under Section 307 of the Indian Penal Code.

6. Considering the aforesaid, the Applicant is not entitled to any pre-arrest bail. The Anticipatory Bail Application stands rejected. If an Application for regular bail is filed, the learned Judge shall consider the same on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)