

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 407 OF 2016**

Vikram Balasaheb Sawant & Ors.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Rupesh K. Bobade for the Applicants

Mr. D. P. Adsule, A.P.P for the Respondent-State

HC Mr. S. B. Pawar from Jath Police Station, Sangli, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 1st APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 29 of 2016 registered with the Jath Police Station, Sangli, for the alleged offences punishable under Sections 379 r/w 34 of the Indian Penal Code and under Section 48(7) of the Bombay Mines and Minerals Act.

3. The incident has taken place on 17th February, 2016 at about 10:00 p.m. The complainant is the Talathi of Sindur, Jath Taluka, District Sangli. He has alleged that on the aforesaid date and time, a dumper bearing No. MH-16-AE-300 containing sand was intercepted by him, as the said sand was being transported without permission. He has alleged that the said truck was parked in the premises of the Jath Tahsil Office. According to him, after the dumper was parked, the applicants had taken away the said dumper and had thus committed the theft of the said vehicle.

4. Learned Counsel for the applicants submits that the applicant No. 1 is the Director of Sangli District Co-operative Bank; applicant No. 2 is the Councillor of the Jath Municipal Council and applicant No. 3 is a practicing Advocate. He submitted that a false complaint has been registered as against the applicants, as the applicants had brought to light some illegal transporting of sand by a M.L.A. He submitted that the applicants are neither the drivers nor the owners of the said truck. According to him, the complainant who is the Talathi was not empowered and had no jurisdiction to apprehend the truck. He submitted that no specific role has been attributed to any of the applicants.

5. Learned A.P.P states that despite two or three dates even today, the Investigating Officer is not present, however, HC Mr. S. B. Pawar from Jath Police Station, Sangli, is present with the papers of investigation. Learned A.P.P opposed the bail application. He submitted that there was no reason for the Talathi to falsely implicate the applicants. He submits that the panchanama could not be drawn as the said truck was taken away by the applicants.

6. Perused the papers. It appears that the applicants had reported about certain illegal sand transporting activities. In the present complaint, no specific overt act is attributed to any of the applicants. The applicants are neither the owners nor are they alleged to have driven the said vehicle, at the relevant time. The applicants have no antecedents.

7. Considering the aforesaid, the applicants are granted anticipatory bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be enlarged on bail on

furnishing P.R. Bond in the sum of Rs. 10,000/- each with one or two sureties in the like amount;

(ii) The applicants shall report to the Investigating Officer on every Saturday from 10:00 a.m to 11:00 a.m. till the filing of the charge-sheet or for a period of two months, whichever is earlier;

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.