

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

ANTICIPATORY BAIL APPLICATION NO. 575 OF 2016

Anil @ Rajesh Ramchandra Suryawanshi
& Ors.

... Applicants.

V/s.

The State of Maharashtra

... Respondent.

Mr. Y. P. Narvankar, Advocate for the Applicants.

Mr. Y. M. Nakhwa, A.P.P. for the Respondent – State.

PSI -Mr. S.S. Jamge (Mahatma Gandhi Police Chowk, Sangli) is present.

CORAM : A. M. BADAR, J.

DATE : 09th JUNE, 2016

P.C. :

1 Applicants/accused in Crime No.16 of 2016 for the offence punishable under section 379 read with section 34 of the Indian Penal Code registered with Mahatma Gandhi Police Chowk Police Station, Miraj, Dist. Sangli at the instance of Vijay Mahadeo Dhere, Circle Officer, Miraj by this application are praying for pre-arrest bail in the event of their arrest. The FIR shows that offence under section 48 of the Maharashtra Land Revenue Code, 1966 is also registered.

2 Heard the learned counsel appearing for the Applicants/accused as well as the learned APP for the State. Learned counsel for the applicants argued that panchanams of

seized trucks were not prepared by the concerned circle officer. He further argued that trucks were randomly seized by recording their registration numbers. According to the learned counsel for the applicants, false FIR came to be registered against the owners of the trucks and there is contradiction in the case of prosecution, as reply filed before the learned Sessions Judge for opposing the application for anticipatory bail is not in tune with the averments in FIR.

3 As against this, the learned APP submits that complicity of the applicants is well established in the crime in question.

4 Perused the case diary including the FIR. FIR shows that on 22nd February, 2016, in pursuant to the orders of the superiors, the officer of Revenue Department had seized in all 7 trucks, which were transporting minor minerals in contravention of the provisions of the Mines and Minerals Rules. The FIR further reflects that the officers of the Revenue Department had prepared many panchanamas and have taken up necessary steps in the matter. The trucks were directed to be parked in police station. According to the prosecution case, owners as well as drivers of the trucks were warned not to move the trucks in the night, intervening of 22nd February, 2016 and 23rd February, 2016. According to the prosecution case, the applicants alongwith their associates had stolen the

trucks parked in the premises of the police station at about 7.30 p.m. on 22nd February, 2016 .

5 The papers of the investigation shows that after the trucks were intercepted while carrying the minor minerals, they were given in the custody of their drivers and owners with a specific understanding that they should not move the trucks from the place where they were parked till further proceedings in the matter are done. According to the prosecution case, the trucks were parked in the premises of the Police Station, Miraj Rural, from where the applicants and their associates had stolen them at about 3.30 a.m. on 23.02. 2016.

6 Averments in the FIR are clear and specific and those are supported by the contemporaneous documents. Considering the nature of the offence and the fact that trucks were moved in order to frustrate further proceedings in respect of the offence of transporting of minor minerals, this cannot be said to be a case fit for grant of anticipatory bail. The application deserves to be rejected.

7 In the result, this application is rejected.

(A. M. BADAR, J.)