

oIN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2159 OF 2016

Vitthal Ganpat Jagtap and another

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Abhaykumar Apte Advocate for the Applicant.

Mr. Prashant Jadhav APP for the State.

Mr. Mahesh Jadhav, P.N. Upwan M.I.D.C.

Police Station, Thane.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 20th DECEMBER, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 81 of 2016 registered at M.I.D.C. Kupwad Police Station for offence punishable under sections 420, 379 r/w 34 of the Indian Penal Code. F.I.R. was filed on 02/11/2016 by Police Naik Sachin Patil.

2) It is alleged in the F.I.R. that on 02/11/2016, at about 10.30 a.m. to 12.00 noon, informant was doing his duty at Kupwad. At about 1.00 p.m., they saw two trucks which were over loaded. Police Naik had signalled the

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trucks to halt. Upon inquiry, it was seen that both trucks were loaded with sand. It is pertinent to note that registration number of both trucks was the same i.e. MH 13 4454. Police had inquired with the drivers about the ownership of the sand and the receipts. Drivers had informed that they had no receipts and that they were transporting the said sand from Sidhpur. Present applicants happen to be owners of both trucks. Drivers had disclosed that number plates were fixed by the owners of the truck. The drivers were further instructed to sell the sand in Kupwad area. Needless to say that there was illegal excavation, possession and transportation of the sand. On the basis of the said report, crime no. 81 of 2016 was registered.

3) The learned counsel for the applicants submits that applicants have no plausible explanation for the fact that both trucks have same registration number. It is not the case of the applicants that they had licence for excavation or for sale. In fact, the purchaser of the sand in the auction was Prateek Enterprises, Proprietor Nagesh Takmoge, Solapur and Shri Sai Industries, Proprietor Sharanbasappa Wale resident of Gulbarga. It appears from the records that Shrishail Industries as well as Prateek Enterprises, they are permitted to excavate the sand to the tune of 2 bars each, however, the

sand which was seized was about more than 11 bars in each truck i.e. total of 22 bars was seized. Investigation is in progress. It appears to be case of 'Sand Mafia'. It is in these circumstances that the custodial interrogation would be imperative.

4) Hence, the application stands rejected.

(SMT. SADHANA S. JADHAV, J.)