

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 71 OF 2017

1) Shri.Satish Vishwanath Jamdade
2) Shri.Sunil Ramchandra Bhosale
3) Shri.Ulhas Pandurang Waghmode
4) Shri.Vishal Madhukar Bhosale ... Applicants

Versus

State of Maharashtra ...Respondent

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Mr.Balwant V. Salunkhe for the Applicants.
Mr. Y.M.Nakhwa, APP for the State-Respondent.

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CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 27th January 2017

P.C.:

1. This application is moved for pre-arrest bail, as the applicants-accused are facing charges under section 395 of the Indian Penal Code in C.R.No. 450 of 2016. The offence is registered at the instance of Sanjay Shivaji Goyakar on 10th August 2016.

2. It is the case of the prosecution that on 9th August 2016 in the afternoon, four trucks loaded with sand, which were illegally accelerated and transported were seized by the Revenue Department, and they were parked and kept in the premise of Tehsil Office, Daund.

Sanjay Shivaji Goyakar was appointed as a watchman alongwith one person Lala Ratan Salave. When they were on duty at around 3.00 a.m., they noticed that some unknown persons arrived in the premise and they broke up the lock of the gate of the Tehsil office and they were starting four trucks. The complainant and his colleague tried to stop them. However, those persons abused and assaulted them with hand and they took away all four trucks i.e. truck numbers (1) MH-12- FZ-7353 (2) MH-12-HD-1998 (3) MH-12-FZ-8946 and (4) MH-42-T-347, which were loaded with sand. Thereafter, the information was given to the police. Pursuant to the information and the search, the police who were patrolling, found all trucks loaded with sand, and sand for an amount of Rs. 22,66,000/- was also seized by the police. A complaint was given against the drivers and the owners of the respective trucks.

3. The learned counsel for the applicants-accused has submitted that one of the owners of the truck is released on bail. The applicants-accused are innocent. They have not committed any offence. The names of the applicants-accused are not mentioned in the F.I.R. The learned counsel submits that all trucks and sand were recovered by the police. The custodial interrogation is not required. The learned counsel further submits that the charge-sheet is filed.

4. The learned prosecutor opposed the application. He submits that the applicant-accused nos. 1 to 3 are the owners of three trucks and the applicant-accused no. 4 is a driver. He further submits that it is specifically mentioned in the complaint that owners and the drivers of these trucks broke up the lock and took away the trucks alongwith sand. He submits that this is a serious offence, as it is committed in the Government premise. The applicants-accused have committed offence of taking away the trucks with sand, which were seized by the Revenue Department. All trucks loaded with sand were parked in Tehsil office. Those trucks were in the custody of the Tehsil office. At that time, though they tried to stop the owners and the drivers of the trucks irrespective of their resistance with muscle power, they alongwith co-accused took away the trucks with loaded sand. Both the articles were seized by the police. There is no financial loss to anybody, this is being a matter of law and order. The applicants-accused have taken the articles by showing muscle power to the Government employees. In view of the above, I am not inclined to grant pre-arrest bail. Hence, Anticipatory Bail Application is rejected.

5. Anticipatory Bail Application is rejected accordingly.

(MRIDULA BHATKAR, J.)