

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

ANTICIPATORY BAIL APPLICATION NO.240 OF 2017

Sambhaji Haribhau Kudale Applicant

versus

State of Maharashtra ... Respondent

Mr.S.V. Kotwal, Advocate i/b. Mr.Ganesh Bhujbal, Advocate for
the Applicant.

Mr.S.H. Yadav, APP for the State/Respondent.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 15th FEBRUARY, 2017.**

P.C. :

1. The applicant/accused apprehends bail C.R.No.29/17 of Yawat Police Station for the offence of punishable under section 379 of the Indian Penal Code and so also under section 5 of Environment (Protection) Act, 1986, in.
2. One Arjun Nagnath Swami, Talathi, gave information to the police. His statement was recorded that on 01/12/2016 he alongwith Circle Officer noticed one JCB machine and

Tractor excavating rubble from the Government plant. Number plate on JCB machine was missing. The persons who were excavating the rubble ran away and subsequently they found that the JCB machine and tractor belong to the applicant/accused. It is the case of prosecution that the applicant/accused has taken away the rubble valued Rs.77,112/-.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is innocent. There is no material to show that the applicant/accused has committed any offence. He further submitted that the Tahasildar did not give him sufficient time to give explanation and immediately on the next day offence was registered, though two days time was given in the notice.

4. The learned prosecutor opposed the application. He submitted that there are two cases registered against the applicant/accused of similar nature. He submitted that the statements of witnesses disclose that JCB Machine and Tractor

belong to the applicant/accused and the said rubble was used for the purpose of concreting same road.

5. Perused the FIR and the statements. Considering the nature of offence, I am of the view that his custodial interrogation is not required and I hereby confirm the interim bail granted earlier dated 08/02/2017 with the same bail bond. However, he is directed to deposit Rs.77,000/- with Tahasildar, Daund till 03/03/2017 without prejudice with further directions that the applicant/accused shall attend police station as and when called. He shall not commit hereafter any offence pertaining to excavation of rubble and any offence under Environmental Act.

(MRIDULA BHATKAR, J.)