

Anand

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

**ANTICIPATORY BAIL APPLICATION NO.1145 OF 2017**

Sunil Vilas Patil .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.G.K.Gole i/b. Mr.Ateet Shirodkar, Advocate,  
for the Applicant

Mrs.R.Ambekar, APP, for the Respondent – State

**CORAM : REVATI MOHITE DERE, J.**

**DATE : 07.07.2017**

**P.C.**

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No. 314 of 2017 registered with the Pandharpur Taluka Police Station, Solapur(Rural), for the alleged offences punishable under Sections 353, 332, 379, 504 r/w 34 of the Indian Penal Code and under Sections 15 & 9 of the Environment Protection Act.

3. Learned counsel for the Applicant states that the Applicant has been falsely implicated in the said case. He submits that the Applicant is not alleged to have assaulted any person, in the subsequent incident which took place. He submits that there is some delay in lodging the FIR inasmuch, as although the incident has taken place at 7.00 a.m. on 05.06.2017, the complaint was lodged only at 2.45 p.m., on the same day. He further submits that the Applicant, in fact, does not know driving and hence the allegation is baseless.

4. Learned APP opposes the Application. She submits that the Applicant has been named in the FIR. She further submits that there are other witnesses, who were present at the time of the incident who have specifically seen the Applicant carrying sand in the JCB.

5. Perused the papers. The complaint has

been lodged by Chandrakant Abhiman Dhavale, Circle Officer of Pandharpur. According to the Complainant, he received information on 05.06.2017, that excavation of sand was going on, at the banks of river Bhima, Shelave, Pandharpur and that three tippers were loaded with sand. On receipt of the said information, the Complainant informed the same, to the Naib Tahsildar and Talathi and others, pursuant to which all of them gathered at the spot. It is alleged by the Complainant, that when they reached the said place, they found two tippers (without number plates) standing on the road, loaded with sand. On questioning the drivers of the tipper vehicles, they replied that they had no license. The drivers refused to give information and disclosed that the tippers belonged to one Nagnath Ghodke. After the tippers were stopped, the Complainant and others went towards river Bhima and saw one JCB excavating sand and dumping the same, in the

tipper bearing No.MH-44/9122. It is alleged that the present Applicant on seeing the Complainant and others, ran away from the spot with his JCB. Thereafter, another incident took place, in which some of the accused assaulted the Circle Officer and other Govt. officers with fist and kick blows. The said persons also verbally abused the officers. The Complainant and other officers were obstructed from discharging their official duties. As far as the Applicant is concerned, he has been specifically named by the Circle Officer, Talathi, Naib Tahsildar and other witnesses. They have stated that on seeing them, JCB owner – Sunil Patil (Applicant) ran away with the JCB. It appears that when the Complainant and other persons reached the banks of Bhima river, the Applicant, with the help of JCB, was excavating sand and was loading the same in the tipper vehicle. There are several cases of similar nature against some of the accused.

6. Considering the role of the Applicant, this is not a fit case to grant pre-arrest bail to the Applicant. Accordingly, the Application stands rejected.

7. It is made clear, that the observations made herein are prima facie for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

**(REVATI MOHITE DERE, J.)**