

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1146 OF 2017

1. Aamsiddha Tukaram Sargar .Applicants
2. Navnath Tukaram Sargar
3. Bhilyansiddh Gangaram Jadivir

Vs.

The State of Maharashtra .Respondent

Mr.Kuldeep S. Patil, Advocate, for the
Applicants

Mr.S.R.Agarkar, 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 Applicants seek their enlargement on bail in connection with C.R.No.73 of 2017 registered with the Umadi Police Station, Sangli, for the alleged offences punishable under Sections 379, 353, 332, 147, 504, 506 of the Indian Penal Code and under Section 48(7) of the Maharashtra Mines And

Minerals Act.

3. Learned counsel for the Applicants submits that there are no allegations that the Applicants actually participated in the excavation of sand. He submits that the Applicants are not the owners of the two tractors which were seized.

4. Learned APP opposes the Application. He submits that as far as the Applicant No.3 is concerned, pending this Application, he was arrested on 04.07.2017 and released on bail. He submitted that as far as the Applicant No.1 is concerned, there are four cases registered against him i. e. bodily related offences. He further submits that the Applicants had obstructed two tractors, which were being taken to the Tahsil office and have assaulted the Revenue officer.

5. Perused the papers. It appears that on 27.05.2017, the Complainant alongwith other Kotwals of the villages were checking illegal transportation of sand. It is alleged that on 28.05.2017, they found two persons carrying sand in two different tractors, pursuant thereto, the Complainant and his team members stopped the said two tractors and asked the driver to take the said vehicle to the Tahsil office. According to the Complainant, two motor cycles came to the spot. The Applicants are stated to be on the said motor cycles. It is alleged that the Applicants obstructed the tractors and that the Applicant No.2 used criminal force and all the Applicants assaulted the Complainant and also abused him. The Complainant sustained injuries, in the said incident. As the Applicants obstructed the two tractors containing excavated sand, the said tractors could not be taken to the Tahsil office. The Applicant Nos.1 and 2 have been named in the FIR. The Applicants are

alleged to have assaulted the Revenue officer with belt, and are also alleged to have threatened to kill him. Due to the assault on the Complainant, the two tractors containing illegally excavated sand could not be taken to the Tahsil office. The Applicants obstructed the Complainant and others in the discharge of their duties, assaulted the Complainant and ran away with the vehicles. It is also pertinent to note, that the motor cycles on which the Applicants came, had no registration numbers, so that they would not be identified.

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

7. It is made clear, that the observations made herein are prima facie for deciding the aforesaid applications 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.)