

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1482 OF 2017**

Pintu @ Bhagwan Shivaji Patil Applicant
vs
State of Maharashtra .. Respondent
(Thr.Pandharpur Taluka Police Station)

Mr.Rajesh S.Yadav Advocate for Applicant
Mr. S.S.Hulke Additional Public Prosecutor
for State-Respondent

**CORAM : T.V.NALAWADE, J
DATE: 22 AUGUST 2017**

P.C.

1. This application is filed for anticipatory bail in C.R.No.277 of 2017 registered with Pandharpur police station for offences punishable under sections 379 and 34 of Indian Penal Code, some provisions of the Environment Protection Act and it can be said that provisions of Mines and Minerals Act are also applicable in the present matter.

2. Both sides are heard.

3. This Court has perused the papers. In one incident of raid effected by Pandharpur police, it was noticed that illegal

excavation was going on in the river bed of river Bhima. There were vehicles like JCBs, tractors, tippers at the place. The police reached the spot at 17 hours. After seeing the police, most of the persons who were present on the spot ran away and escaped. Some persons could be arrested on the spot. Information revealed that vehicles like JCBs and tippers belonged to the present Applicant. JCBs machines were used for collecting and loading the sand into the transport vehicles.

4. The learned counsel for the Applicant submits that the Applicant is owner of the JCBs and tippers and the vehicles are seized by the police and so there is no necessity of arrest. This submission is not at all acceptable. The offence of theft of sand minor minerals is committed and the investigation needs to be made to ascertain as to how many times in the past, the offence was committed by using the vehicles by the present Applicant. The strength of sand mafias has increased and it is seen that they have become offensive and they have even assaulted public servants when their vehicles were intercepted. There are powers with the Revenue authorities to seize and

confiscate even JCBs but, that power is separate and there is a power with the police to make investigation of the offences. The theft of the property is involved which belongs to the government.

5. In such cases, custodial interrogation is a must. This Court holds that it is not possible to give protection in favour of the Applicant.

6. Application stands rejected.

(T.V.NALAWADE, J)

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