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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 729 OF 2018

Dilip Dattatray Lendave & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Umesh R. Mankapure, for the Applicants.

Ms. Veera Shinde, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : APRIL 13, 2018

PC :-

1. Issue notice to Respondent. Learned APP waives notice for Respondent-State. By consent of both parties, matter is decided finally.
2. Heard learned counsel for Applicants. Perused case diary. By this application anticipatory bail is sought by Applicants involved in C. R. No. 84 of 2018 registered by Mangalwedha Police Station, district Solapur for offences punishable under Section 308, 353, 379, 115, 179, 504, 506 read with Section 34 of Indian Penal Code and Section 8, 5 of the Environment Protection and Section 3(25) of the

Arms Act.

3. It is specific case of Applicants that they were not found on the spot but are owners of trucks and tractors which were found on the spot. It is submitted on behalf of Applicants that their trucks were utilised by the driver without any knowledge of Applicants. Perusal of case diary reveals that involvement of Applicants is based on statement of co-accused during their interrogation. In view of the facts as aforesaid, prima-facie, there is no direct evidence establishing involvement of Applicants in the present crime of excavation of sand and committing theft thereof.

4. Learned trial Judge while rejecting application of Applicants, appears to have observed that it is not case of Applicants that they had sold truck to some third person and only on this ground their application came to be rejected.

5. Considering the fact that more than 50 accused are involved in the crime, out of them 33 accused are released on bail and also considering involvement of Applicants, which is limited as aforesaid, following order is passed:

(i) In the event of arrest of Applicants in C. R. No.

84/2018 registered with Mangalwedha Police Station, district Solapur, they shall be released on bail, on their furnishing PR bond in the sum of Rs. 25,000/- each with one surety each in the like amount;

- (ii) Applicants shall mark their presence with the Investigating Officer from 16th to 18th April, 2018 between 10 a. m. to 2.00 p.m. and thereafter as and when called till filing of charge-sheet;
- (iii) Application is disposed of in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath