

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

ANTICIPATORY BAIL APPLICATION NO.1085 OF 2018

Yuvraj Soma Bhojane ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.Ashish P. Pawar for the Applicant.
Mr.S.H.Yadav for the Respondent/State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : SEPTEMBER 18, 2018.**

P.C.:

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.84 of 2018 registered with Mangalwedha Police Station for the offences punishable under Sections 379, 353, 308, 115, 189, 511, 504, 506 r/w 34 of Indian Penal Code and Sections 8 and 15 of the Environment (Protection) Act, 1986 and Section 3(25) of the Arms Act.

2. Heard Mr.Ashish P. Pawar, learned counsel for the applicant and Mr.S.H.Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned

counsels for the respective parties.

3. The case of the prosecution is that on 10th March, 2018 S.P. Solapur Rural had received information that co-accused Ravindra alias Papulya Rama Kale alongwith Umesh Ghadge and others were illegally extracting sand from Bhima river. Under instructions of S.P. Solapur, the complainant alongwith RCF went to the spot of the incident. It is stated that some persons were caught while they were loading sand in the truck. Five trucks and 2 JCB machines were seized and 7 persons were arrested from the spot. It is stated that the co-accused had threatened to cause their death. One of the tractor drivers tried to cause death of a police by running the tractor over him. They had also threatened to kill the Police Personnel, who were discharging their lawful duties. Hence, Ankush More from the Special Squad lodged the FIR.

4. Only allegation against the applicant is that he had given his tractor to the main accused for transporting sand which was illegally extracted. The learned counsel for the applicant submits

that the truck was not seized from the spot of the incident, but was found parked at the house of the applicant. It may be mentioned here that the other co-accused-Dilip Dattatray Lendave and another, whose trucks and tractors were found on the spot, have been granted bail by this Court in Anticipatory Bail Application No. 729 of 2018 by order dated 13th April, 2018. The role attributed to the applicant is similar to the role attributed to the applicants in the said anticipatory bail application. Hence, on the ground of parity, the applicant would be entitled for bail.

5. Furthermore, the applicant was granted interim bail by order dated 6th June, 2018. One of the conditions was to report to the investigating Officer for a period of four days and to co-operate with the investigation. The learned Advocate for the applicant submits that the applicant has complied with the condition. The presence of the applicant is therefore not required for the purpose of interrogation or investigation. The applicant is a permanent resident of Borale, Tal. Mangalwedha and there are no chances of his absconding or thwarting the course of justice.

6. Considering the above facts, in my considered view, this is a fit case to grant pre-arrest bail. Hence, the following order:-

ORDER

- (a) Anticipatory Bail Application is allowed.
- (b) In the event of arrest of the applicant in C.R.No.84 of 2018, he shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two solvent sureties in the like amount.
- (c) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigating Officer.
- (d) The applicant shall not change his residential address without prior intimation to the Investigating Officer.
- (e) The applicant shall not interfere with the witnesses or tamper with evidence in any manner and shall not indulge in any such similar activities.

(SMT. ANUJA PRABHUDESSAI,J.)

.....