

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 503 OF 2018

Dhananjay Chatrapati Patil

.Applicant

Vs.

The State of Maharashtra

.Respondent

Ms Tahera Qureshi, Advocate, for the Applicant

Mr. S. S. Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 14.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C.R.No. I-512 of 2017 registered with the Narpoli Police Station, Thane, for the alleged offences punishable under Sections 379, 439 r/w 34 of the Indian Penal Code, under Section 48(7) of the Maharashtra Revenue Act, 1996, under Section 3(2), 15, 19 of the Environment Protection Act, under Section 4(3) of the Port Trust Act, under Section 35(2), 198 of the Maharashtra Marine Board Act and under Sections 19(a)(1), 59(a), 59(b) of the Inn Land Vessel Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. She submits that 67 brass of sand, 9 baj and 9 suction pumps have already been seized and as such, custodial interrogation of the Applicant is not necessary. She submits that there is nothing to show that the Applicant is the owner of the property where sand was being excavated. She also submitted that the Applicant has no antecedents.

4. Learned APP opposed the Application. He submitted that the Applicant is claiming to be the owner of the property, from where the sand was being excavated. He submitted that the co-accused, who were arrested have disclosed that the Applicant used to collect Rs. 600/- to Rs. 1,000/- per brass and would claim that he and his brother were the owners of the creek. He submitted that the Applicant also has boats and that he is involved in the sand mafia.

5. Perused the papers. On 29.12.2017 at about 6.00 a. m., a joint raid was conducted by the police officers and the revenue authorities, as sand was being illegally excavated between Kasheli to Anjur Dive. In the raid, the authorities found that sand was being illegally excavated from the said creek. Huge machinery like suction

pumps, boats were found and seized and 17 persons were apprehended on the spot. The workers who were arrested on the spot disclosed that the Applicant and his brother were collecting Rs. 600/- to Rs. 1,000/- per brass, by claiming that they were the owners of the said creek. According to the prosecution, the Applicant got illegally partitioned the area around the creek. Till date, 21 accused have been arrested and 9 are shown as absconding. The place where the sand was being excavated was close to the bridge and as such, the excavation would affect the bridge and consequently endanger human life.

6. Learned APP states that the Applicant's brother was involved in a similar case and is a developer by profession and is presently absconding.

7. Considering the aforesaid, custodial interrogation of the Applicant is necessary. Accordingly, the Application stands rejected.

8. It is made clear, that if an Application for regular bail is preferred by the Applicant, learned Judge shall consider the same on its own merits uninfluenced by the observations made in this Application.

9. At this stage, learned counsel for the Applicant states that the Applicant will surrender on or before 20.03.2018 before the appropriate Court after giving notice of 24 hours notice to the investigating officer, of the date and time of surrender. statement accepted.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)