

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

ANTICIPATORY BAIL APPLICATION NO. 641 OF 2018

Yunnus Rahim Pathan

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Bhalchandra S. Shinde for the applicant.

Mrs. J.S. Lohokare, APP for the State.

Mr. A.B. Jadhav, API, Indapur Police Station, Pune Rural, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st OCTOBER, 2018.

P.C.:

. This is an application under section 438 of Criminal Procedure Code, filed by the aforesaid applicant, apprehending his arrest in C.R.No.49/2018 registered with Indapur Police Station, District Pune for offences punishable under sections 307, 353, 379, 395, 504, 506 of the Indian Penal Code.

2. Heard Mr. Bhalchandra Shinde, learned counsel for the applicant and Mrs. J.S. Lohokare, 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 aforesaid crime was registered pursuant to the FIR lodged by one Girish Sandikar, Officer of the Revenue Department. A perusal of the FIR prima facie reveals that on 20.01.2018, at about 05:30 a.m., the first informant who is the officer of the Revenue Department and the other staff members were on patrolling duty to prevent illegal sand extraction and transportation of sand. They saw a truck bearing No.MH-42-T-2900, which was loaded with sand, coming from Nimsakhar Road. The driver of the said truck did not stop the said vehicle despite their instructions, hence, they chased the said truck and stopped it at Pitthewadi. They verified the documents and learnt that the driver did not possess any documents to extract or transport sand. It is alleged that in the meantime, the applicant-owner of the truck came to the place of the incident alongwith five other persons. They abused the first informant and his staff and prevented them from discharging their lawful duties. The first informant has claimed that the applicant started the truck and proceeded towards Bawda Road alongwith driver Sachin, Talathi-Pandit Waghmare and Talathi-Shivaji Khose. After covering the distance of about 2-3 kms., the applicant jumped out of the running truck, without switching off the engine and fled away from the spot. The truck went ahead without the driver and halted at a paddy field. The first informant, therefore, lodged the FIR

against the applicant and others for the offences as stated above.

4. The applicant is the driver of the truck. The records prima facie indicate that the applicant got in the truck with Pandit Waghmare and Amol Uttamrao Hajgude, both public servants on duty, and proceeded towards Bohada Road. It is alleged that after covering a distance of 2-3 kms, the applicant jumped out of running truck, without switching off the engine and thereafter, fled away from the spot of the incident.

5. The material on record thus prima facie indicates that the applicant was not only involved in illegal extraction and transport of sand but he had also endangered life of the public officers by jumping out of the running truck, without switching off the engine. The offences are of serious nature. The gravity of the offence would not justify grant of pre-arrest bail. The material on record indicates that during the period the applicant was on interim bail, he has indulged in further criminal activities and a first information report bearing C.R.No.160/2018 has been registered against him at Walchand Nagar Police Station, Pune for offences punishable under sections 143, 147, 148, 341, 384, 324, 323, 504, 506 r/w. 149 of the Indian Penal Code and section 135 of the Bombay Police Act. It is stated that the

Anticipatory Bail Application filed by the applicant and others has already been rejected by the Sessions Court.

6. Considering the above facts and circumstances, in my considered view, this is not a fit case for grant of anticipatory bail. Hence, the Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)