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

ANTICIPATORY BAIL APPLICATION NO. 724 OF 2018

Vishwanath Balu Sutkatti ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Mr. R.A. Rajhans for the Applicant.

Ms. Rutuja Ambekar, APP for the Respondent - State.

CORAM : A.S. Gadkari, J.

DATE : 27th November 2018.

P.C. :-

1. The Applicant is apprehending arrest in C.R.No, 209 of 2017 dated 29th November 2017 registered with Chandgad Police Station, District Kolhapur for the offence punishable under Section 379, 420, 465, 468, 471 r/w. Section 34 of the Indian Penal Code.
2. Heard learned Counsel for the Applicant and the learned APP. Perused the charge-sheet.
3. The First Information Report is lodged by Mr. Vijay Keshav

Potdar, Circle Officer attached to Tahasil Office, Chandwad, District Kolhapur. The prosecution case in brief is that, on 28th November 2017, the Government Officers intercepted a truck loaded with sand and found approx. 3 brass sand brought from the State of Karnataka. Upon enquiry, the driver of the said truck produced two passes issued by the Revenue Authorities of Karnataka District. Upon suspicion about the genuineness of the said passes, the informant made inquiry with the concerned Authority wherein it was revealed that the said passes were bogus documents. In the premise the First Information Report is lodged.

4. The record indicates that during the course of investigation, the co-accused Shanu Basappa Kalgudi and Mahesh Nagoji Kesure revealed that, it is the Applicant who had helped them in procuring the said bogus documents. It is the prosecution case that the Applicant in connivance with the other accused persons illegally excavated the sand/Government property in the State of Karnataka and brought it to the State of Maharashtra by the use of said bogus transport permit/passes.

Prima-facie, it appears that there is sufficient material

available on record to show the complexity of the Applicant in the present crime.

5. After taking into consideration the aforestated facts, the gravity of the offence and serious allegations against the Applicant, this Court is of the considered view that, the Applicant does not deserve to be protected by pre-arrest bail. The Application is accordingly rejected.

(A.S. Gadkari, J.)