

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1004 OF 2018

Mr. Mauli Laxman Ukale and anr. ..Applicants.

vs.

The State of Maharashtra ..Respondent.

Mr. H.S.Kazi i/by Vaibhav Ugale for the Applicants.

Mr. Prashant Jadhav, APP. for the State.

CORAM: A.S.GADKARI, J.

DATE : 22nd May, 2018

P.C.

1. This is an application under Section 438 of the Cr.P.C. for pre arrest bail in CR No.321 of 2018 registered with Yawat Police Station, District Pune (Gramin) under Section 379 of the Indian Penal Code and under Sections 9 and 15 of the Mines Act, 1952.

2. Heard the learned counsel for the applicant and the learned APP. Perused the record.

3. The first information report is lodged by Shri. Sunil Shinde, the Talathi attached to Village Panavali, Taluka Daund, District Pune stating that, the Tahsildar of the said Taluka had received specific information on 7.4.2018 at about 5.00 a.m. that, the four persons with the help of JCB

machines were excavating sand from the banks of Bhima river. Accordingly, the first informant along with other Government employees went at the scene of offence where he observed that the applicants along with other accused persons namely Shri. Bala Shinde, Shri. Sunil Kolpe and others were excavating sand from the Bhima river. When the Government officers went to the scene of offence the said persons along with JCB Machines fled away. The Talathi along with other Government employees thereafter seized one truck bearing No. MH-40-Y-4075 at the scene of offence which was loaded with illegally excavated sand. Shri. Bhau Sonawane- a Kotwal of the village thereafter directed the truck driver to take the said truck to the Government Rest House, Yavat. When the truck was on its way, the truck driver forcibly evicted the Kotwal, Mr. Sonawane from the said truck and drove it away at undisclosed destination. In the premise, the first information report is lodged.

4. The first information report explicitly makes it clear that, the first informant had seen and identified the

applicants at the scene of offence, who were indulging in activities of illegal excavation of sand, inter alia they have committed an act of theft of Government property. The act of the applicants along with other accused persons is further aggravated because of the fact that they further forcibly evicted Kotwal Mr. Sonawane from the truck and took it away from the custody of the Government employees who were performing their duty.

5. Indubitably the act of the applicants is serious in nature. There is sufficient material on record to show the complicity of the applicants in the present crime. After taking into consideration the serious allegations against the applicants and the gravity of the offence, this Court is of the considered view that, the applicants do not deserve to be protected by pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)