

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2657 OF 2018**

Vaibhav Sadashiv Bhise & Anr.Applicants.

Vs.

The State of MaharashtraRespondent.

Mr. V.R. Gaikwad for the Applicants.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 21st DECEMBER, 2018.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 380 of 2018 registered with Vaduj Police Station, District Satara under Section 379 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicants and the learned APP. Perused the record of investigation.

3 It is the case of prosecution that, the Applicants along with other 4 accused persons were illegally excavating sand from the banks of river Chand near village Chitali, Taluka Khanapur, District Sangli. After receipt of information, when the members of the Vigilance

Committee (Dakshata Samittee) established under the circular issued by the State of Maharashtra along with the Talathi of the said village went at the scene of offence, the Applicants fled away. The Talathi and other members of Vigilance Committee accosted the co-accused Nikhil Daware, Suraj Madane and Vaibhav Madane. The said accused persons were uploading illegally excavated sand in the truck. It is the further prosecution case that, about 25 brass of sand has been illegally excavated by the Applicants and other accused persons.

4 The learned counsel for the Applicants submitted that, the Vigilance Committee established allegedly under the Government circular, has no legal sanctity as it consists of more than 5 members. The Applicants were objecting to the constitution of the said Committee and therefore, the Applicants have been falsely implicated in the present crime. He further submitted that, the said Truck and other machinery have already been seized by the police and therefore, the custodial interrogation of the Applicants in the present crime is not necessary. He therefore, prayed that, the Applicants may be granted pre-arrest bail.

5 The record indicates that, the Applicants do not have any license from the Government to excavate sand from the said river.

Even otherwise, the allegation of commission of theft of government property is undoubtedly a serious allegation. The illegal excavation of sand is causing serious environmental problem. The first informant is a government officer and has no personal grudge or grievance against the Applicants to falsely implicate them in the present crime.

It is to be noted here that, the illegal excavation of the sand is causing serious environmental issues and with a view to prevent the said illegal excavation and/or theft of natural resources, the Government of Maharashtra has issued Circular for establishment of Vigilance Committee in the villages.

6 After taking into consideration the material of investigation, serious allegations against the Applicants and the gravity of the offence, this Court is of the view that, the Applicants do not deserve to be protected by pre-arrest bail.

7 Application is accordingly rejected.

(A.S. GADKARI, J.)