

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.211 of 2018

Nandakishor Arun Kale

vs.

State of Maharashtra, through P.S.O. Benoda, Tah. Warud, Dist. Amravati

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri A.P. Thakare, Advocate for the Applicant.
 Shri V.P. Gangane, A.P.P. for the Non-Applicant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 10th APRIL, 2018.

Heard.

Perused the reply of the prosecution and the case diary. On going through the statements of prosecution witnesses, particularly Talathi Walegaon and Tahsildar Warud, I am of the view that the argument made by the learned A.P.P. for the State, that the custodial interrogation of this applicant would be necessary, is having substance in it. In spite of the directions given to the drivers of two tractors involved in illegal excavation of sand and its transportation, this applicant instigated one of the drivers to run away along with the tractor and trolley loaded with sand, while both the tractors were on their way to the office of Tahsildar. Now, the illegally excavated sand is required to be seized in this case.

Now a days, illegal excavation of sand has become an environmental issue, as it has the potential of damaging river ecosystems of the nation. If the river ecosystem is damaged, there would be far reaching consequences on the availability of water resources to the mankind. Therefore, the offences, in which illegal excavation of sand is involved, cannot be taken in lighter way. Besides, the applicant does not have any transport permit for carriage of the sand on 12/03/2018.

In view of the above, I am of the opinion that this is not a fit case for grant of anticipatory bail.

Hence, the application stands rejected.

JUDGE

**sandesh*