

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

CRIMINAL APPLICATION (ABA) NO.542 OF 2018

(Ashok s/o Bhajan Vairagade and another ..vs.. State of Maharashtra, through PSO, PS Warthi)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.R. Wagh, Counsel for the applicants,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 27-07-2018

The applicants are apprehending arrest in Crime 112/2018 registered with Warthi Police Station for offences punishable under Sections 379, 353 and 332 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is, that on 05-7-2018 Devanand Uprade, the Talathi of village Kothurna was inspecting the Kothurna sand ghat. The Talathi noticed three unknown persons transporting sand. The said persons were intercepted, however, they succeeded in fleeing away.

3. The Talathi was drawing the spot panchanama of the seized sand when applicant 1 accompanied by applicant 2 and one other associate arrived at the spot. Applicant 1 claimed to be the owner of the tractor in which the sand was being illegally transported. The accusation against the applicant is, further, that they manhandled the Talathi and his colleague and assaulted

them with fist blows. The applicants then forcibly emptied the tractor of sand and fled with the tractor.

4. The assault on the Talathi and his colleague led to injuries and there is *prima facie* material *inter alia* the medico legal certificate to corroborate the version of the Talathi that he and his colleague were assaulted.

5. The investigation is at a nascent stage. The plunder of sand actuated by greed and avarice cannot be compared with ordinary theft. The damage to ecology is immense. Protecting persons who are accused of sand theft by granting anticipatory bail would not only send a wrong message, the loot or plunder of natural resources would continue unabated. Incidentally, the applicants have criminal antecedents. Viewed from any angle this is not a case for this Court to exercise discretion in favour of the applicants.

6. The application is without substance and is rejected.

JUDGE

adgokar