

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

ANTICIPATORY BAIL APPLICATION NO. 758 OF 2019

Chandrakant Parshuram Patole ... Applicant

Versus

The State of Maharashtra Respondent

Mr. Milind Deshmukh, Advocate for the Applicant.
Mr. S. H. Yadav, APP for the State/respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 19th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with CR No.23 of 2019 registered with Pusegaon Police Station, Satara for the offences punishable under Sections 379 read with 34 of the IPC and Sections 8 and 15 of environment Protection Act, 1986.

2. The FIR in this case was lodged by police constable Popat Bichukale on 8th February 2019. According to him on prior information, the police party went to Darjai spot where they saw that some persons were excavating sand unauthorizedly. The sand was being loaded in the trolley of a tractor. Two persons apprehended on the spot and two persons ran away. The case of the prosecution is that the tractor was owned by the

present applicant. The FIR mentioned that one Sanjay Madne and owner of the tractor ran away from the spot.

3. Heard learned counsel for the applicant and learned APP for the State.
4. Learned counsel for the applicant submitted that the FIR does not mention that besides two person, who were arrested, two more persons were present on the spot, who had run away. The present applicant is falsely implicated in this case. Learned APP Yadav pointed out that the name of the applicant was disclosed in the FIR. He further submitted that the name of the present applicant was disclosed by one of the co-accused Dattatray Jadhav and his statement to that effect was also recorded. The statement given by the co-accused can be used at this stage to find out the complicity of the present applicant. Moreover, during investigation the investigating agency had recorded the statement of one Bharat Patole, who was the cousin of the present applicant. He had stated that the tractor seized in the offence was belonging to him, but was being operated by the present applicant. Thus, there is a strong connection of the present applicant in the crime in question. Custodial interrogation is necessary. No case is made out for anticipatory bail. Application is rejected.

(SARANG V. KOTWAL, J.)