

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

ANTICIPATORY BAIL APPLICATION NO.1059 OF 2019

Dhareppa Sangappa Patil Applicant

versus

The State of Maharashtra Respondent

.....

- Mr.Ramdas Hake Patil, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.313/18 registered with Akkalkot South Police Station, Solapur, under sections 353, 379 r/w 34 of the Indian Penal Code and under section 8 and 15 of Environment Protection Act.

2. The FIR is lodged by Circle Officer Shivappa Bhishma Koli. He has stated that on 24/08/2018 at about 02.30 a.m. on

prior information the informant and others kept watch in village Tadwal. They intercepted three vehicles. One of them was bearing No.MH-13-AX-4319. Each of the vehicles was carrying 5 brass sand. The drivers of the vehicles ran away taking advantage of darkness. On this basis FIR was lodged.

3. The prosecution case is that the present Applicant is the owner of the vehicle bearing No.MH-13-AX-4319.
4. Heard learned Counsel Mr.Ramdas Hake Patil for the Applicant and learned APP Mr.S.H. Yadav for the State.
5. Learned Counsel for the Applicant submits that he had sold vehicle in May 2018 itself and vehicle was seized in September 2018. The learned Counsel for the Applicant relied on the notarized agreement between the present Applicant and the purchaser of this vehicle. That agreement is dated 02/05/2018. The subsequent owner had preferred an application before the learned Magistrate for return of his

vehicle. The learned Magistrate vide his order dated 02/11/2018 passed in Criminal Misc. Application No.332/18 had directed return of that vehicle to the subsequent owner.

6. The learned APP did not dispute these facts on instructions provided by Police Naik R.R. Koli, Akkalkot Police Station.
7. Considering the fact that there was previous agreement for sale of that vehicle, the subsequent owner had accepted the ownership and that the learned Magistrate has returned this vehicle to the subsequent owner, prima facie, it appears that on the date of raid, the present Applicant had no concern with that vehicle. Therefore, at this stage, submission of the learned Counsel for the Applicant, that the Applicant is not involved in the offence, is required to be accepted. Therefore the Applicant deserves protection of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.313/18 registered with Akkalkot South Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)