

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

ANTICIPATORY BAIL APPLICATION NO.1667 OF 2019

Sujit Shrirang Gaikwad

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Dilip Bodake, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. D. A. Waydande, HC 165, Vaduj Police Station, Satara present.

CORAM : SARANG V. KOTWAL, J.

DATE : 29th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.160/2019 registered at Vaduj Police Station, District Satara, under section 379 r/w. 34 of IPC and under section 9 and 15 of the Environment Protection Act, 1986.

2. The FIR is lodged by Police Constable Rahul Sartape on 18/6/2019. It is his case that while they were on patrolling

duty, at about 4.30 a.m. on 18/6/2019 he received secret information that some people were transporting sand illegally in Mayani area. The police party made preparations to conduct raid. They waited at Mayani Kaledhone Road at Mhaswad Phata. At about 6.00 p.m., 4 to 5 dumpers travelled on the road in a high speed. They intercepted the dumpers and the drivers were apprehended. There were five dumpers containing about three brass of sand in each of them. The dumpers as well as the sand were taken charge of. It is further mentioned in the FIR that two or three other vehicles were keeping watch on the movement of these vehicles to alert the drivers about presence of the raiding party. In that context, it is mentioned in the FIR that all those persons who were keeping watch went away in their vehicle. Though, some of the persons in Indica Car and Scorpio Car were apprehended. It is mentioned in the FIR that present applicant was one of the persons who had run away from the spot in one of the vehicles.

3. Heard Mr. Bodake, Ld. Counsel for the applicant and Ms. Kaushik, Ld. APP for the State.

4. Mr. Bodake submitted that the applicant was not directly involved in commission of the offence. There are no allegations that he had played any role in excavation of the sand or transportation of the sand. It is not the allegation in the FIR that he had any connection with the illegally excavated sand. He further submitted that his name is not reflected in the FIR. The FIR mentions the name as 'Pintu Gaikwad'.

5. As against these submissions, Ms. Kaushik, Ld. APP submitted that the applicant's name was mentioned by the co-accused. She submitted that even the first informant was knowing him. She further submitted that since the applicant was keeping watch on the entire operation, it cannot be said that he was not involved in the offence.

6. I have considered these submissions. As far as the submission that applicant was not known as 'Pintu Gaikwad' is concerned, it is not supported by the investigation carried out so far. The investigation revealed that the applicant was also known as Pintu Gaikwad. Therefore, this submission has no force. However, Shri. Bodake's submission that the present applicant had no connection with the illegally excavated sand appears to have some force. It is case of the investigating agency that some people were following the dumpers and were keeping watch on the entire operation. However, this act on the part of this applicant cannot be directly related to the excavation and transportation of sand. Moreover, the allegations that the applicant was keeping watch on the vehicles is not supported by any other material. The case against the present applicant does not travel beyond suspicion. In the investigation carried out so far from 18/6/2019, no connection of the applicant with the sand is established. It is extremely doubtful whether he is involved in the offence. Though, in this view of the matter, custodial interrogation of the applicant is not necessary, but he will have to attend the concerned Police Station

and co-operate with the investigation. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.160/2019 registered at Vaduj Police Station, District Satara, the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in like amount.
- (ii) The applicant shall attend concerned Police Station from 7/8/2019 to 9/8/2019 between 3.00 p.m. to 5.00 p.m. and shall attend the police station whenever called thereafter. He shall co-operate with the investigation.
- (iii) The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)