

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1899 OF 2018

Nagnath Bhimashankar Gurav & Anr.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Ansari Shahed Ali Inayat Ali, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

API Dhande attached to Mandrup Police Station, Solapur (Rural) present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 30th AUGUST, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.173/2019 registered with Mandrup Police Station, Solapur (Rural) u/sec. 353, 332, 379 r/w 34 of I.P.C. and u/sec. 9, 15 of The Environment (Protection) Act, 1986.

2. The FIR is lodged by Police Constable Akash Toge attached to Police Head Quarter (Special Squad) Solapur Rural on the allegations that, on 02/08/2019 at about 7.00 a.m., his superior police officer instructed him and other police staff to visit Bhima river because

illegal activities of excavation and transportation of sand was going on there. Accordingly, at 8.00 a.m., the police party reached there. It was seen that, nine tractors were used for the offence. As soon as the police party was seen, these persons present on the spot tried to run away. In all, thirteen persons were apprehended at the spot. Both the present applicants were amongst them. Some of the accused called 5 to 6 other persons in their aid. They tried to forcefully release the tractors. Five tractors were taken away by one Shrikant Chavade and his associates. Four tractors were detained. The other accused also ran away from the spot. On this basis, the FIR is lodged.

3. Heard Mr. Ansari Shahed Ali Inayat Ali, Ld. Counsel for the Applicants and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, no role is attributed to the present applicant. He was not present at the spot. At present, the applicants are on the duty in flood affected area and therefore, their custodial interrogation is not necessary.

5. Ld. APP opposed these submissions and added that two police officers were injured in the incident. Both the applicants ran away from the spot and therefore, their custodial interrogation is necessary.

6. I have considered these submissions. In the FIR, it is clearly mentioned that, both the applicants were present in the river bed when the excavation of sand was going on. Taking advantage of the crowd they ran away from the spot. In the incident two police officers were injured. In this view of the matter, custodial interrogation of the applicants is necessary. Therefore, no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)