

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

ANTICIPATORY BAIL APPLICATION NO. 2309 OF 2019

Vijay Baban Kedar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Ms. Rati Sinhasane i/b. Umesh R. Mankapure, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.797 of 2019 registered with Sangola Police Station, Dist. Solapur, under sections 353, 379, 332 and 341 r/w. 34 of the Indian Penal Code and under sections 9 and 15 of the Environment (Protection) Act.

2. The FIR is lodged by Circle Officer Sharad Khandagale. He has stated that on 26/08/2019, at about 3.45p.m. he was going for inspection in his Indica car. When he had stopped just after

Shivne village, he saw that a truck travelled from that road containing sand. The informant called Talathi and his team of Waki village informing them about that truck. They were asked to stop that truck. The informant himself started chasing in his vehicle. At around 4.00p.m. he was able to intercept that truck near Garwa Dhaba. The driver was asked about the documents. He did not have any. He informed that the documents were with the applicant who was owner of the truck. Within a short time, the applicant came there on a motorcycle and started obstructing the informant in performance of his duty. He was joined by two more persons who came there on a two wheeler. They prevented the informant and others from taking charge of the truck. The driver took away that truck towards Mahud and applicant and others went towards Waki village. Thereafter this FIR was lodged.

3. Heard Ms. Rati Sinhasane, learned counsel for the applicant and Mr. Yadav, learned APP for the State.

4. Learned counsel for the applicant submitted that the

driver is already arrested and released on bail. The truck is already seized and, therefore, no purpose will be served by custodial interrogation of the applicant. Learned APP opposed this application and submitted that this offence is serious. The role of the applicant is clearly spelt out in the FIR.

5. I have considered these submissions. Bare reading of the FIR shows that the truck and illegally excavated sand were belonging to the applicant. The driver had acted at the behest of the applicant. The applicant had obstructed public servants in performance of their duty. He has directed the driver to take away the truck, from which, his complicity in the offence is more than clear. The offence is serious. The applicant has not co-operated with the investigation at the spot. He was not available for further investigation either. In these circumstances, his custodial interrogation is necessary and therefore, I am not inclined to grant anticipatory bail to the applicant.

6. The application is rejected.

(SARANG V. KOTWAL, J.)