

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

ANTICIPATORY BAIL APPLICATION NO.2450 OF 2019

Prashant Dadasaheb Gaikwad	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Ritesh M. Thobde, Advocate for the Applicant.

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

Police Naik Firoz Rasul Attar, Karmala Police Station, Solapur
Gramin, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 13, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.201 of 2019, registered with Karmala Police Station, District-Solapur, for offences punishable under Sections 353, 439 and 379 read with 34 of Indian Penal Code (“IPC”, for short) and under Section 15 of Environment Protection Act, 1986.

2 On 18th March, 2019, the informant and other police staff noticed some persons using motor boat near the railway

bridge at Bhima river. Police tried to accost them. The said person pushed the police personal and ran away from the place of incident. Sand was excavated and it was stored in the boat. The boat containing sand was recovered. Owner of the boat was arrested.

3 Learned Counsel for the Applicant submitted that there is no evidence of involvement of the applicant in the crime. He is willing to co-operate with the investigation. The other accused has been arrested. The sand has been seized by the police. Except the statement of co-accused, there is no evidence against the Applicant.

4 Learned APP pointed out investigating papers. It is submitted that the involvement of the Applicant was disclosed during the investigation. The Applicant was the main person who was indulging in the excavation of sand. During the interrogation of the arrested accused, the involvement of the Applicant was disclosed. The other accused are to be arrested. The offence is serious and custodial interrogation of the Applicant is necessary.

5 Unknown persons were found excavating sand, which

was stored in the boat. The said persons managed to flee from the place of incident. During the course of investigation, involvement of the Applicant was revealed. Owner of boat was arrested. According to prosecution, the Applicant was indulging in excavating activities unauthorizedly. The said sand was to be transported. The three persons who were in the place of incident were employed by the Applicant. Thorough investigation is required to be conducted and hence custodial interrogation of the Applicant is necessary.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2450 of 2019 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)