

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2542 OF 2018

Rajendra Shivraya Gangde] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. V.V. Phatate, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Mr. B.R. Attar, HC attached to Valsang Police Station, Solapur Rural present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 17 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.392/2018 registered with Valsang Police Station, Solapur (Rural) u/sec. 379 r/w 34 of I.P.C. and under Section 15 of The Environment (Protection) Act, 1986.

2. The FIR in this case is lodged by one Bhimrao Khandagale. It is his case in the FIR, that, on prior information, the police party kept a watch at Bankalgi Phata Cross Road. In the early hours on 30/08/2018, the police party saw two vehicles. They were

unnumbered vehicles and they contained 5 brass of illegally excavated sand. The drivers of these vehicles were taken in custody and the FIR was lodged.

3 Heard Mr. V.V. Phatate, Ld. Counsel for the Applicant and Mr.Prashant Jadhav, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that name of the applicant is not mentioned in the FIR. He further submitted that the applicant has not committed any offence.

5. On the other hand, Ld APP pointed out that the vehicles were unnumbered. But the investigation reveals that the RTO record shows that one of the vehicles was registered in the name of the present applicant. He further pointed out that when the applicant was granted interim protection by the court on 12/12/2018, he was involved in another offence. He further submitted that on the application of the applicant, the vehicle was returned to him and he used the same vehicle in committing the subsequent offence.

6. Considering the fact that the applicant himself has admitted to the ownership of the vehicle as is reflected in the order passed by the Additional Sessions Judge, Solapur on 20/11/2018 in Criminal Bail Application No.1411/2018 and also taking into consideration the fact that the same vehicle was used in another offence of similar nature ; no case for anticipatory bail is made out. The involvement of the applicant is clearly made out and his custodial interrogation is necessary to find out who have helped him in committing such offence. There is no merit in the application. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)