

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.102 OF 2019**

Mahadeo Bhauso Godse] ... Applicant

Versus

The State of Maharashtra] ... Respondent

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO.103 OF 2019

Pramod Abaso Deshmukh] ... Applicant

Versus

The State of Maharashtra] ... Respondent

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO.104 OF 2019

Vaibhav Kisan Salunkhe] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Dhananjay Rananaware, Advocate for the Applicants in all the applications.

Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 17 JUNE, 2019.

P. C. :-

1. All these applications are decided by this common order because they arise out of common allegations mentioned in the same FIR.

2. In all these applications, the applicants are seeking anticipatory bail in connection with C.R.No.416/2018 registered with Vaduj Police Station, District Satara u/sec. 379 r/w 34 of I.P.C. and under Section 8 and 15 of The Environment (Protection) Act, 1986.

3. The FIR in this case is lodged by police constable Dadasheb Bankar. He has stated in the FIR that on 29/11/2018, on prior information, the police party including present informant went towards river Yerala. While they were proceeding towards the river, they saw three tractors, two JCB machines and one jeep. They also saw some sand on the road. When the police party chased the vehicles, the JCB drivers and drivers of the tractors ran away. The police party chased them. One of them was caught. His name as Yuvraj Patil. On further inquiry with him, he told the police party that

the tractors belonged to Mahadeo Godse who is the applicant in ABA No.102/2019 and Pramod Deshmukh who is the applicant in ABA No.103/2019. He also informed that one of the JCBs was owned by Vaibhav Salunkhe who is the applicant in ABA No.104/2019. Based on this, the FIR was lodged.

3. Heard Mr.Dhananjay Rananaware, Ld. Counsel for the Applicants and Ms. S.S. Kaushik, APP for the State/Respondent.

4. Ld. Counsel for the applicants submits that the vehicles were not connected with any offence. There are no allegations in the FIR that the sand was found in any of these vehicles or that the JCB was seen actually used in sand excavation. He therefore submitted that there is no material to show involvement of the present applicants in the offence.

5. As against this, Ld. APP for the State submitted that the statement of the person who was caught on the spot shows that the vehicles belonged to the present applicants and therefore, they do not deserve protection of anticipatory bail.

6. Perusal of the FIR shows that the police party chased these vehicles which were proceeding on the road. The vehicles are not shown directly or indirectly as having been involved in illegal excavation of sand. Therefore, in this case there is no prima facie material to connect the present applicants with the alleged offence. In this view of the matter, custodial interrogation of the applicants may not be necessary. The applications deserve to be allowed. Hence, the following order.

ORDER

1. In the event of their arrest in connection with C.R.No.416/2018 registered with Vaduj Police Station, District Satara the Applicants are directed to be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

2. All the applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)