

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

ANTICIPATORY BAIL APPLICATION NO. 143 OF 2019

Suresh Vasant Gavand and ors.

...Applicants

Vs.

The State of Maharashtra

...Respondent.

Mr. P. B.Kulkarni for Applicants.

Mr. A.R. Kapadnis, APP for the Respondent/State.

**CORAM : P.N. DESHMUKH, J.
DATE : 15TH MARCH, 2019**

PC :

1. Learned counsel for applicants does not press application of applicant No.5 since rendered infructuous as he is already arrested.
2. After hearing for some time when court is not inclined to allow application, learned counsel for applicants prays to keep back matter for obtaining instructions. Keep back.
3. Later on, learned counsel for applicant on instructions submits

that applicants want to pursue application.

Accordingly further heard learned counsel for applicant and learned APP. Perusal of FIR would reveal that on 2.11.2018 applicant who is Talathi at around 10.30p.m. received telephonic information involving applicant No.1 Suresh committing theft of sand from river bed. Based on information, complainant along with other members of Revenue department reached spot situated at Village Aglavewadi and found in the bank of river Korda, applicant along with co-accused Chandrakant, Tukaram, Ankush present on spot along with their vehicles consisting tractor, having no registration number plates displayed on it upon it and were indulged in loading sand in it. On enquiry neither of applicants produced any licence, transport pass or any other document to establish that they were acting legally. In fact, from the report, it is noted that, applicants stated to complainant and other Revenue officers that, they does not possess any such document and had abused complainant and other such officers and ran away from the spot. Total weight of sand involved in the crime is weighting

52 brass which is not seized.

4. Contents of FIR finds corroborated with statements of other revenue officers who had accompanied complainant on the spot in early hours at about 4.30a.m. on 3.11.2018. The investigation is in progress and since sand is not yet seized, custodial interrogation of applicants is found necessary. Application is therefore, rejected.

(P.N. DESHMUKH, J.)