

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.243 OF 2019

Nagesh Yuvraj Zende and Anr.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Noman Jafri I/b Mukund Mane, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.
M. P.S. Sartape, PN 683 attached to Vaduj Police Station present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 13 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.444/2018 registered with Vaduj Police Station, District Satara u/sec. 379 r/w 34 of I.P.C. and under Sections 8, 15 of The Environment Protection Act, 1986.

2. The FIR is lodged by Police Constable Mahendra Khade. It is mentioned in the FIR that, during night time, at around 11.00 a.m., on 27/12/2018, when the first informant and other police officers were taking round in the area, they received information that one pick

up van was carrying sand unauthorisedly. The number of pick up van was also mentioned by the person who had given that information. Pursuant to that information, the police officers kept watch on a bridge. At around 4.30 a.m. on 28/12/2018 they saw the said vehicle travelling from that road. The police officers chased that vehicle. The driver and others who were in the vehicle jumped from the vehicle and ran away. The vehicle halted near that road. One of the persons was caught by the police at the spot. His name was Kisan Patole. When they inquired with that person the name of the present applicant transpired. According to Patole, the present applicant was driving the vehicle and the vehicle belonged to one Trimbak Patole. In this connection, the police seized one brass of sand from that pick up van. Two brass of sand was found near the road which was in consonance with the information received by the police. The pick up vans were seized. Based on these allegations, the FIR was lodged.

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

4. Ld. Counsel for the applicant submitted that the applicant was not apprehended at the spot. He is sought to be arrested on the basis

of the statement made by the co-accused. The stolen property as well as the pick up van is already in the custody of the police. Therefore, custody of this applicant is not necessary.

5. Ld. APP submitted that the offence is serious, therefore the applicant does not deserve any protection of anticipatory bail.

6. The FIR shows that one Kisan Patole was apprehended at the spot and he revealed the name of the present applicant. According to him, the present applicant was driving the vehicle. The narration in the FIR is that, when pick up van was chased by the police ; the driver abandoned the vehicle by jumping out of the running vehicle. All this goes to show that the applicant's name has immediately surfaced. Therefore, his involvement in the crime is made out. To find out the conspiracy regarding excavation of sand and carrying it unauthorisedly, the custodial interrogation of the applicant is necessary. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)