

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

ANTICIPATORY BAIL APPLICATION NO.253 OF 2019

Pramod Kisan Budhe ... Applicant

Versus

State of Maharashtra. ... Respondents

Mr. D. D. Ranaware I/b. Rahul M. More for Applicant.

Mr. S. H. Yadav, APP for State.

Mr. R. S. Sartape, P.N., Vaduj p.stn. is present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 14th JUNE, 2019

P. C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.I 444 of 2018 registered with Vaduj police station, Satara, under Section 379 r/w. 34 of the IPC and Sections 8 and 15 of Environment (Protection) Rules, 1986.

2. The FIR in this case is lodged by police constable Khade on 28/12/2018. According to him, on prior information the police party had kept watch on the bridge at village Ambavade. At around 4.30a.m. in the early hours they saw a pick-up van travelling from the

road as per prior information. The Pick-up van was chased. The passengers and others jumped from the vehicle and ran away. The driver was caught on the spot. He gave names of the persons who had ran away from the pick-up van. One of them was the present applicant who was arrayed as an accused in the entire episode of sand excavation. The pickup van was found to carry one brass of sand. On the information of the person apprehended on the spot, further sand stored at some other places was also seized.

3. Heard Mr. D. D. Ranaware, learned counsel for the applicant and Mr. S. H. Yadav, learned APP for the State.

4. Learned counsel for the applicant submitted that the story in the FIR is unbelievable. The police could not have kept watch through out the night. There was dispute between the present applicant and the person apprehended on the spot, therefore, he is falsely implicated. There are no antecedents. He is an agriculturist, therefore, custodial interrogation is not necessary.

5. I have considered the statements in the FIR. The present applicant had escaped from the vehicle before he could be intercepted by the police. This shows his criminal intent. The person who was

caught on the spot has immediately disclosed the name of the applicant, therefore, there was no time to concoct a false story. Considering all these aspects, no case of anticipatory bail is made out. The custodial interrogation of applicant is necessary. Application is rejected.

(SARANG V. KOTWAL, J.)