

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

ANTICIPATORY BAIL APPLICATION NO.350 OF 2019

Ankush Kisan Chavan

.. Applicant

Versus

The State of Maharashtra

.... Respondent

- Mr. Laxman S. Deshmukh for applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Mr. Rahul Balasaheb Kumbhar, P.N., B.No.1426, Mhaswad p.stn. is present.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 191 of 2018 registered with Mhaswad Police Station, under section 379 r/w. 34 of the Indian Penal Code. The FIR is lodged by Police Naik Ramchandra Tambe. According to him, between night of 01/12/2018 and 02/12/2018 on prior information, the police party kept a watch on Malwadi Mhaswad road. At that time, one truck bearing No.MH10/Z-1800 was seen travelling on the road. The truck was intercepted. On search of that truck it was found that it was carrying three brass of illegally

excavated sand. The driver of that truck divulged name of the present applicant. The truck and the sand were seized and FIR was lodged. The applicant is seeking anticipatory bail in that connection.

2. Heard Shri. Deshmukh, learned counsel for the applicant and Ms. S. S. Kaushik, learned APP for the State.

3. Shri. Deshmukh submitted that the present applicant has no concern with the alleged offence as he was not present on the spot. On the other hand, learned APP submitted that the matter is serious and if he is not arrested, further offences of similar nature would continue. At this stage, the applicant can not dispute that the vehicle is owned by him and the illegally excavated sand carried unauthorisedly was found in the same truck. Therefore, prima facie case is made out. The custodial interrogation is necessary. Hence, to collect the evidence in this particular offence the custodial interrogation of the applicant is necessary. Application is rejected.

(SARANG V. KOTWAL, J.)