

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

ANTICIPATORY BAIL APPLICATION NO. 457 OF 2019

Dilip Kashinath Patil

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. Sandeep Kumar Singh for the applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

Mr. Sanjay Chaudhary, API, Waliv Police Station is present.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 21st FEBRUARY, 2019.

P.C.

1. This is an application for anticipatory bail for the offence punishable under Sections 379 and 413 read with 34 of Indian Penal Code, sections 15 and 19 of the Environment Protection Act, 1986 and Section 48(7) of the Maharashtra Land Revenue Code, 1966 vide CR No. 58 of 2019 registered with Waliv Police Station.
2. The case of the prosecution is that sand was excavated illegally and same was transported. Two trucks carrying sand were intercepted and the drivers of truck were apprehended. During the course of interrogation it was revealed that one of the truck belongs to the applicant and he was instrumental in excavating and transporting sand without permission. First Information Report was registered. The owner of the other vehicle

was arrested. Arrested person was granted regular bail.

3. Learned counsel for the applicant submits that custodial interrogation of the applicant is not necessary. There is no evidence to establish that the sand was excavated at the instance of the applicant. Co-accused was arrested and granted bail.

4. Learned APP submitted that the involvement of the applicant is revealed during the course of investigation. Other persons were arrested and thereafter granted bail. Custodial interrogation of the applicant is necessary.

5. On perusal of the First Information Report, it can be seen that vehicle belonging to the applicant was intercepted and it was found carrying sand was illegally excavated sand. Learned APP pointed out that one more case was registered against the applicant on 17th February, 2019 in which another vehicle belonging to the applicant was used in transporting the excavated sand. Considering the role assigned to the applicant, complicity of applicant in the crime revealed during the course of investigation, no case for grant of anticipatory bail is made out. Hence, application is rejected.

(PRAKASH D. NAIK, J.)