IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 765 OF 2019

Vitthal Sayabana Bandgar … Applicant

Versus

The State of Maharashtra … Respondent

Mr. V. V. Phatate, Advocate for the Applicant.
Mr. S. R. Agarkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 19th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No. 34/2019 registered with Mandrup Police Station, Solapur under Sections 379 read with 34 of the IPC and Sections 8 and 15 of Environment At.

2. The FIR in this case was lodged by one Suresh Koli on 8th February 2019. He was the Talathi of the village. He had received information that the present applicant along with his associates were excavating sand illegally from river bed of Sina River. On receiving the information the police party had gone to the spot and there they saw

two persons were excavating sand unauthorizedly from the river bed. On seeing police party they escaped from the spot. They could not be chased and could not be arrested. On the river bed the police party found 30 brass of sand which was excavated and stored. The value of the sand was more than Rs. 2,00,000/-. Based on these allegations, applicant is apprehending his arrest and has filed this application for anticipatory bail.

3. Heard Mr. Phatate, for the applicant and Mr. Agarkar, APP for the State.

4. Learned Counsel for the applicant submitted that there is no connection between the allegations in the FIR and the present applicant. His name is mentioned in the FIR only on suspicion. Learned APP for the State on instructions of the investigating officer stated that he could not find out any material to connect the present applicant with the present crime. Neither the tractors were seized nor the persons were arrested. In view of the matter, the applicant has made out the case for protection of anticipatory bail. Hence, the following order:-

ORDER

1. In the event of his arrest in connection with C.R.No. 34/2019

registered with Mandrup Police Station, Solapur till the next date, the Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)