

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 786 OF 2019

Amol Pandharinath Kare ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Nagesh Y. Chavan, Advocate for the Applicant.
Mr. Prashant Jadhav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 27th JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No. 22/2019 registered with Mhaswad Police Station, District Satara under Sections 353, 379, 427, 504, 506 read with 34 of I.P.C. The FIR is lodged by one Ramdas Vairat.
2. He has stated in his FIR, that on 29th January 2019 at about 8.45 p.m., on prior information, he alongwith other officers went near Shirtav Village. There they saw that four to five unknown persons were loading a truck with illegally excavated sand. When the officers

reached there, those four persons ran away. However, the driver was still in the truck. On inquiry with the driver, he informed that the present applicant was the truck owner. The officers started to take that truck on the road. The present applicant came there on motorcycle and intercepted the truck. He forcefully entered the truck drove it and damaged a motorcycle. Thereafter he got down from the truck and ran away on his motorcycle. On these basis FIR is lodged.

3. Heard, Mr. Nagesh Chavan, learned counsel for the applicant and Mr. Prashant Jadhav, learned APP for the State.

4. The learned counsel for the applicant submitted that the applicant was not present when police came to the spot. He is falsely implicated in this case. He submitted that it is inconceivable that truck driver did not give his own name, but gave applicant's name to the officers. On the other hand, learned APP submitted that the name of the applicant had transpired in the FIR itself. The specific role is attributed to him. Having perused the contents of the FIR, it is more than clear that, the applicant was the owner of the truck; which was used in illegal transportation of illegally excavated sand. Applicant came on a motorcycle and obstructed the officers from performing their public duty. It had added to the gravity of the offence. Custodial

interrogation is necessary to find out if the applicant is connected with similar activities and to find his exact role in the present offence. No case is made out for anticipatory bail. Hence, the application is dismissed.

(SARANG V. KOTWAL, J.)