

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

ANTICIPATORY BAIL APPLICATION NO. 808 OF 2019

Pandurang Narayan Garud Applicant

versus

The State of Maharashtra Respondent

.....

- Mr. Sachin K. Hande, Advocate for Applicant.
- Smt. A. A. Takalkar, APP for the State/Respondent.
- Mr. N. M. Sarangkar, PI, Shirur Police Station, Pune.

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

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 593/18 registered with Shirur Police Station, Pune under section 379 of the Indian Penal Code.
2. The FIR is lodged on 12th August 2018 by one Yogesh Tilekar, who was Talathi at Shirasgaon Kaata. On 27th July 2018, the Tehsildar telephonically instructed him that the Tehsildar had received information that the present applicant was excavating sand in the river bed at Godnadi. Pursuant to his

instructions the informant and others went there on 28th July 2018. They saw that in the river bed, there were three spots from where sand was excavated and was taken away unauthorizedly, thereby causing loss to the government to the tune of rupees Six Lakhs Sixty Four Thousand Two Hundred. On that basis, the FIR is lodged.

3. Heard, Mr. Sachin Hande, learned Counsel for the applicant as well as Smt. Takalkar, learned APP for the State.
4. Learned counsel for the applicant submitted that the panchanama was carried out on 28th July 2018 and the FIR is lodged on 12th August 2018. He submitted that the delay has remained unexplained. He further submitted that though there are allegations in the FIR that the applicant had excavated sand, the FIR itself does not mention the basis on which such conclusion was drawn by the authorities. He submitted that the applicant is made a scape-goat and he has not connected with this offence.
5. On the other hand, learned APP produced before me the investigation papers in respect of investigation carried out so

far. There are few important statements in this investigation. Tahsildar Ranjeet Bhosale in his statement had stated that he was informed by the responsible citizens and reputed people from the village that the present applicant was conducting this illegal business. He had no respect for law and he was continuing with these activities without any fear. The applicant was fined in respect of earlier violation. However, he had not made any payment of the fine. The statements of the witnesses who had informed the Tehsildar are also recorded. They have clearly stated in their statements that they themselves have seen the illegal excavation of sand at the instance of the present applicant. The applicant was present at the spot, when such activities were conducted. He was supervising the work regularly.

6. Thus, at this stage, the investigating agency has sufficient material against the present applicant to show the applicant's complicity in this serious offence.

7. Learned APP has pointed out that the applicant has similar antecedents since the year 2011. He has five such

offences registered against him at Talegaon Dabhade and Shirur police stations.

8. Considering all these aspects, custodial interrogation of the applicant is necessary to trace out his activities and to find out the other persons who are involved in this offence. Hence, there is no merit in the application. Application is rejected.

9. At this stage, the learned counsel for the applicant prays that the interim protection operating in his favour of the applicant be continued further. However, considering the long pendency of investigation, non availability of the applicant as well as taking into consideration the need for urgent investigation, this prayer is rejected.

(SARANG V. KOTWAL, J.)