

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

ANTICIPATORY BAIL APPLICATION NO.1287 OF 2019

Sandesh Nandkumar Karle @
Ganesh Nandaram Karle

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr.Satyavrat Joshi, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.
- Mr.D.T. Toke, HC-963, Alandi Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 18th JUNE, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 136/19 registered with Alandi Police Station, under sections 379, 447, 504 and 506 of the Indian Penal Code.
2. The FIR is registered by one Ravsaheb Salunkhe who was in charge of security of a land situated at Gut No. 402, Charholi Khurd, Tal. Khed, Dist. Pune, admeasuring 26 Acre. The land was owned by one Vaishali Gaikwad and the first

informant was in charge of security of the said land. Before lodging the, FIR the first informant and his colleagues found that some unknown persons were committing theft of Murum-stones in the said land without taking permission from any authority or from owner of the land. Since, many days there were committing theft from that land.

3. On 19.04.2019, in the midnight between 12.30 hours he came to the spot when he saw that there were two dumpers and one J.C.B parked on that land. There was one person sitting on a two wheeler nearby. He approached the first informant. That person abused and threatened the informant. The first informant called police. The police immediately came to the spot and apprehended the person, who was threatening the first informant. On further inquiry with that person it was revealed that his name was Akshay Karle, he alongwith the applicant, who was his brother were removing the stones from the land unauthorizedly. On this basis FIR was lodged

4. Heard Mr. Satyavrat Joshi, Ld. Counsel for the Applicant and Mr. S. H. Yadav, Ld. APP for the

State/Respondent.

5. The learned counsel for the applicant submitted that the applicant was not present at the spot. He was arrested only on the statement of the co-accused. He submitted that his custodial interrogation is not required as nothing is to be recovered from him.
6. On the other hand, the learned APP pointed out that on the earlier night the applicant was present at the spot and he was committing theft with his machines. He had introduced himself to one witness Saurabh and had threatened him as well.
8. Thus, there is sufficient material at this stage to connect the applicant with the offence. The F.I.R. mentioned that till that day about 200 brass stones worth Rs. 2,00,000/- was removed. Custodial interrogation of the application is necessary.
9. I am not inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)