

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1558 OF 2019

Vaibhav Uttam Gaikwad & Anr.] ... Applicants

Versus

The State of Maharashtra] ... Respondent

Mr. Jaydeep Mane, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

Mr. L.H. Chavan, P.H. attached to Mohol Police Station, Solapur Rural present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 17th JULY, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with C.R.No.357/2019 registered with Mohol Police Station, Solapur (Rural) u/sec. 379 r/w 34 of I.P.C. and u/sec. 9 and 15 of The Environment (Protection) Act, 1986.

2. The FIR is lodged by Police Constable Wasim Nazir Shaikh. He has stated in his FIR that they were on patrolling duty within Penur Beat in Takali Sikandar Chowk. They saw a tractor with trolley in a suspicious condition. They had directed the driver to stop the vehicle.

The driver stopped the vehicle. The driver and the other person who were present in the tractor ran away. They were chased, but they could not be apprehended. When the tractor was inspected, it was found to contain one brass of sand. The tractor was not having any number plate. The police party made inquiries in the locality and found that the Applicant No.1 was the driver and Applicant No.2 was the owner of the tractor. Based on these allegations, the FIR is lodged.

3. Heard Mr. Jaydeep Mane, Ld. Counsel for the Applicants and Mr. S.H. Yadav, Ld. APP for the State/Respondent.

4. Mr. Mane submitted that the applicants' names are mentioned in the FIR based on the inquiry made with the local people. He submitted that, the applicants are involved in the offence based on suspicion and they are falsely implicated because of the local political rivalry.

5. Ld. APP produced before me the investigation papers which contain the statements of persons who were present in the vicinity

where the tractor was stopped. These, witnesses had seen the applicants getting down from the tractor and running away. One of the witnesses Santosh Chavan. He had told the police in presence of other witnesses that, the persons who ran away were his relatives and he had given the name of the present applicants. One Sachin Chavan's statement is recorded. His statement also mentions names of the present applicants.

6. At this stage, the investigating agency has sufficient material to connect the present applicants with the crime. The custodial interrogation of the applicants is necessary to find the evidence. Therefore, no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)