

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1915 OF 2019

Abhijit Krushnaji Bhagat] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Rupesh Zade, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the State/Respondent.

Mr. R.A. Patmag, HC 720 attached to Vadgaon Nimbalkar Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 30th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.365/2019 registered with Vadgaon Nimbalkar Police Station, Pune Rural u/sec. 379 of I.P.C.

2. The FIR is lodged by PC Darade. He has stated that, police officer received information on 11/08/2019 that, present applicant was illegally excavating and transporting sand in the village Karale Budruk in a pond. Based on this information, at around 11.00 a.m. police went there. They found that, the applicant was excavating sand

and keeping it in a truck. As soon as he saw police party he ran away with JCB Machines. Thereafter, police seized tractor and trolley. One brass of sand was found on the spot. On this basis, the FIR is registered.

3. Heard Mr. Rupesh Zade, Ld. Counsel for the Applicant and Smt. A.A. Takalkar, Ld. APP for the State/Respondent.

4. Mr. Zade submitted that, the applicant was not apprehended at the spot. The police have falsely implicated him by taking his tractor and trolley.

5. Ld. APP opposed these submissions and added that, the applicant was seen at the spot committing this offence.

6. I have considered these submissions. At this stage, it is not possible to record that, statements in the FIR are false. Police officers have stated that, he was seen at the spot and the tractor trolley was also found at the spot. Therefore, the offence is made out. Custodial interrogation of the applicant is necessary to find out further

information regarding the manner in which the offence is committed. 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.)