

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1916 OF 2019**

Vaibhav Kisan Salunkhe] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Vaibhav Gaikwad, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 30th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.156/2019 registered with Vaduj Police Station, District Satara u/sec. 379 r/w 34 of I.P.C. and u/sec. 9, 15 of the Environment (Protection) Act, 1986.

2. The FIR is lodged by PC Marekar on 12/06/2019. He has stated that, on 12/06/2019 he received secret information that some people were excavating and transporting sand illegally from the river bed of Yerala river. Pursuant to the information at about 4.20 p.m., police party reached the spot and they found there were two truck trollies,

one dumper and one JCB machine at the spot. There was 5 brass of sand at the spot. Some persons were found at the spot. The present applicant was one of them. Police party on interrogation came to know that, they were indulging in illegal excavating and transporting of sand. While police were interrogating some of the accused including the present applicant ran away from the spot. On such allegations, the FIR is lodged.

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

4. Mr. Gaikwad submitted that, the FIR does not specifically show that the present applicant ran away from the spot and though he was available and police did not arrest him. He submitted that, custodial interrogation of the applicant is not necessary. He further submitted that, co-accused Vaibhav Gurav is granted interim protection by this court. Therefore, similar order be passed in favour of the present applicant. He submitted that, the present applicant was not present at the spot.

5. Ld. APP opposed the application and added that, the ground taken by the co-accused in ABA No.1662/2019 is entirely different and therefore, the same consideration is not available to the present applicant. She submitted that, the present applicant was seen at the spot and had run away.

6. I have considered these submissions. The present applicant's presence is clearly mentioned in the FIR and he had run away from the spot while police party was interrogating other accused. Therefore, looking at his conduct and the clear involvement in the offence, 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.)