

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

ANTICIPATORY BAIL APPLICATION NO. 1952 OF 2019

Gorakh @ Baba Prakash Nandkhile	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Ghanasham S. Jadhav, Advocate for Applicant.
Smt. J. S. Lohakare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 208 of 2019 registered with Saswad Police Station on 06/06/2019, under sections 353, 379 and 504 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by the driver Hamid Shaikh of Tahsildar, Purandar, Dist. Pune. He has stated that the Tahsildar's staff had intercepted a truck containing illegally excavated and transported sand on 02/06/2019. The truck was parked in the compound of the police station. The truck was bearing No.MH14/BJ/3001. The present applicant was the owner of the

truck. The report was given to the police station. The truck was detained and parked at that police station. On 06/06/2019 the informant and one Pralhad Patil who was a clerk working with the Tahsildar office were moving around in the city. They saw one private car moving around in front of Saswad police station. The informant kept watch. He saw that two persons got down from the car. He went to the truck, started it and drove it away from the police station. The informant chased the truck and tried to intercept it. The truck driver got down and started quarreling with the informant and thereafter went away from the spot. The informant called the police officers of Saswad police station. Thereafter they came to the spot and they took back the truck to the police station. The truck was still containing three brass sand. On this basis the FIR is lodged.

3. Heard Mr. Ghanasham Jadhav, learned counsel for the applicant and Smt. J. S. Lohakare, learned APP for the State.

4. Learned counsel for the applicant submitted that the story of the first informant appears improbable. It was not the part of the duty of the informant to keep vigil and detect the offences.

The time at which the incident had occurred is in the late night and, therefore, the entire story does not appear to be true. However, he could not refute the allegation that the truck belonged to the present applicant. Learned APP opposed this application.

5. I have considered all these submissions. The fact remains that the truck was removed from the police station and was being taken away. Though, the driver escaped, the truck was taken back to the police station from the spot where it was taken by the driver. The fact that the truck belonged to the present applicant shows his connection with the offence. In view of this, custodial interrogation of the applicant is necessary to find out his connection with the illegal excavation and transportation of the sand and also to find out his role in removing the truck which was parked within the compound of the police station. Therefore, no case for anticipatory bail is made out.

6. Application is rejected.

(SARANG V. KOTWAL, J.)