

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

ANTICIPATORY BAIL APPLICATION NO.2451 OF 2019

Sachin Bhaskar Lawand	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Ritesh M. Thobde, Advocate for the Applicant.

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

Police Naik Firoz Rasul Attar, Karmala Police Station, Solapur
Gramin, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 13, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.0391 of 2019, registered with Karmala Police Station, District-Solapur, for the offences punishable under Sections 379, 353, 341, 392, 504 and 506 read with 34 of Indian Penal Code (“IPC”, for short) and under Section 15 of Environment Protection Act, 1986.

2 The prosecution case is that the first informant had received information from Tahasildar that some persons are

committing theft of sand from Sina River at village Mirgawhan, Taluka Karmala, District-Solapur. The informant and other public servant proceeded to the said place. It was noticed that the sand was being carried from a tractor trolley. The tractor was intercepted at about 11:30 p.m. The driver disclosed his name. He also stated that the owner of the said tractor was one Jayram Suravse. It was also noticed that the tractor was carrying sand two brass weighing. The panchanama was executed and the driver of the tractor was told to drive the tractor to the office of Karmala Tahsil. At about 12:40 hrs., two persons obstructed the vehicle on the road. They were on a motorcycle. The informant and others alighted from their vehicle. Jayram Suravse and the Applicant were the persons who obstructed the tractor from proceeding ahead. The said persons then took the tractor and disappeared from the place.

3 Learned Counsel for the Applicant submits that no force was used while committing the said offence. The Applicant is not concerned with the excavation of sand. The Applicant was merely present at the scene of the offence along with the co-accused. Custodial interrogation of the Applicant is not necessary.

4 Learned APP submitted that the Applicant and the co-

accused were known to the police. There is evidence against the Applicant. He has played a vital role in the crime. Hence, custodial interrogation of the Applicant is necessary.

5 On perusal of the FIR, it can be seen that the public servants while discharging their duties had intercepted the tractor carrying sand. The Applicant and co-accused were named in the FIR. They obstructed public servants from proceeding and discharging their duties. The Applicant and the co-accused disappeared with the tractor carrying sand. Specific role has been attributed to the Applicant in the crime. On perusal of FIR and investigation papers I find that no case for grant of anticipatory bail is made out. The Application, is, therefore, required to be rejected.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Anticipatory Bail Application No.2451 of 2019 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)