

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

ANTICIPATORY BAIL APPLICATION NO.2539 OF 2019

Ravikant Yashwant Patil

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Vishwanath Patil i/b Kewal Ahuja Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 3rd December, 2019

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 222 of 2019 registered with Akkalkot South Police Station, Solapur Rural, for offences punishable under Sections 379, 353, 323, 504 and Section 34 of Indian Penal Code ("IPC" for short) read with Sections 9 and 15 of Environment Protection Act.

2. The prosecution case is that on 12th May 2019 at about 3:00 p.m. the complainant along with others were present at Karajge out post. The information was received from the Police Inspector that the persons namely Sangappa Apparao Patil, Santosh Yeshwant Patil and Suresh Gurunath Patil were illegally excavating and transporting sand from the river-bed of the Bhima river situated at Shegaon, Tal.

Akkalkot, Dist. Solapur. On receiving information, the complainant and other Police officers immediately rushed to the said place of incident. All the accused were seen excavating and loading the sand in the trolley of the tractor. The accused No.1 spotted the police and started running from place of incident. The police tried to apprehend accused No.1, however he managed to push the complainant and ran away. The FIR was lodged.

3. Undisputedly, the applicant was not present at the place of incident. He was sought to be arrested. after he preferred an application for return of the tractor before the concerned court. The said application has been allowed. Thus, the prosecution case is that applicant is owner of another tractor which was allegedly involved in the crime.

4. Learned counsel for the applicant submitted that the applicant has no connection with the crime. At the most he was the owner of the tractor. It is submitted that the two other persons namely Chandrakant Patil and Basavraj Patil had also preferred similar application for return of the tractor before the concerned Court which were allowed. They were apprehending arrest, hence an application for anticipatory bail was preferred by them and both the applications were allowed. The copy of the order granting anticipatory bail to Chandrakant Patil has been annexed to this

application. Thus, the other accused were similar circumstances were granted for anticipatory bail by the Sessions Court. Admittedly, there is no evidence to show that the applicant was excavating the sand or was was loading same in the trolley.

5. Learned APP however submitted that the applicant is brother of the main accused who is absconding. It is further submitted that all the accused named in the FIR and present at the scene of the offences are not available for investigation and they have been absconding. On perusal of the aforesaid documents and order passed granting anticipatory bail to the co-accused it appears that the applicant was owner of one of the tractor and after he applied for return of property, he was sought to be arrested. In these circumstances the applicant can be granted anticipatory Bail on certain terms and conditions.

ORDER

- i) Anticipatory Bail Application No. 2539 of 2019 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 222 of 2019 registered with Akkalkot South Police Station, Solapur Rural, the applicant be released on bail on furnishing P R. Bond in the sum of

Rs.25000/-, with one or more sureties in the like amount;

- iii) The applicant shall attend Investigating Officer on 9 to 11th December, 2019 between 10:00 a.m. to 12.00 noon and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)