

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 959 OF 2020

Prakash Natthu Sonawane

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. N.N. Desale, Advocate for applicant

Mrs. P.V. Diggikar, A.P.P. for respondent - State

....

**CORAM : R.G. AVACHAT, J.
(VACATION COURT)**

DATED : 12th NOVEMBER, 2020

PER COURT :

This is an application under Section 438 of Code of Criminal Procedure. The applicant claims to have an apprehension of being arrested in connection with Crime No. 125 of 2020 registered with Sakri Police Station, Dist. Dhule for the offences punishable under Sections 353, 359, 506 read with Section 34 of the Indian Penal Code and under Section 48 of the Maharashtra Land Revenue Code, 1966.

2. Heard. Perused First Information Report ("F.I.R.", for short) and related police papers.

3. F.I.R. has been lodged by the Tahasildar, Sakri on 28th August, 2020. The gist of the allegations in F.I.R. is that on 27th August, 2020 an

information was received that there was an unauthorised excavation of sand in progress on the right bank of river *Kan*. The informant alongwith some of his staff, therefore, went to the spot. There were four tractor. Persons were engaged in excavating sand and filling in those tractors. The tractors did not bear number plates. Three of the tractor owners admitted to have been engaged in unauthorised excavation of sand. After doing some paper work, the informant and his staff came back to Tahasil Office, Sakri. It was 09.00 p.m. The fourth tractor driver told that the tractor belong to the applicant. On the next day, i.e. 28th August, 2020, the applicant came there and refused to pay fine and surrender the tractor. The applicant misbehaved with the informant and his staff. F.I.R., therefore, came to be lodged.

4. Learned A.P.P. would submit that cases of unauthorised excavation of sand are on rise. The applicant misbehaved with the public servants. He does not deserve anticipatory bail.

5. Learned counsel for the applicant informs that the applicant has no criminal antecedent. For unauthorised excavation of sand, his tractor had been seized. The same has been released by an order of competent authority. The applicant is said to have paid fine amount. The allegations in F.I.R. indicate the applicant to have misbehaved with the Tahasildar and his subordinates. Considering the nature of allegations, custodial interrogation of the applicant is not required.

6. In the factual backdrop of the case, the applicant needs to be granted anticipatory bail. Hence the following order :-

ORDER

(I) Application is allowed.

(II) In the event of arrest of the applicant, in connection with Crime No. 125 of 2020 registered with Sakri Police Station, Dist. Dhule for the offences punishable under Sections 353, 359, 506 read with Section 34 of the Indian Penal Code and under Section 48 of the Maharashtra Land Revenue Code, 1966, the applicant be released on executing P.R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety in the like amount.

(III) The applicant shall appear before the investigating officer, as and when required for the investigating purpose.

(IV) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD