

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.86 OF 2020

Shekhar Dadasaheb Phalke

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Rupesh A. Zade, Advocate for the Applicant.

Mr. M. G. Patil, APP for the state-respondent.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 14th January, 2020

PC :

1. This is an application for anticipatory bail in connection with C.R. No. 791 of 2019 registered with Karmala Police Station for offences punishable under Section 439, 379 r/w Section 34 of Indian Penal Code.

2. The prosecution case is that, the complainant is Police Naik, attached to Karmala Police Station. Information was received that some persons were excavating sand in river Bhima. The Police proceeded to the place of incident. Some persons were found excavating the sand illegally through the boat. One of them was apprehended. The boat was destroyed by the raiding party. As person who was apprehended disclosed that the applicant and co-accused Lalasaheb Katkar are the owners of the two boats which were used in

excavating sand. It was also disclosed that the said person was acting on the instructions of the applicant and co-accused Lalasaheb Katkar.

3. Learned counsel for the applicant submitted that applicant has been falsely implicated in this case. He is resident of Daund, Pune. The incident had occurred in Bhima river at Karmala.

4. The investigation is in progress. One persons was apprehended on the spot. The name of the applicant was disclosed immediately at the spot of incident by apprehended person. There is no reason to falsely implicate applicant in this case. Thus, prima facie involvement of the applicant is disclosed. Hence, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.86 of 2020 stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)