

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

ANTICIPATORY BAIL APPLICATION NO.200 OF 2020

Pramod Vishwas Deshmukh

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Sharad T. Bhosale, for the Applicant.

Smt. A. A. Takalkar, APP for the Respondent- State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January, 2020

P.C.:

1. This is an application for Anticipatory Bail in connection with C.R.No.311 of 2019, registered with Vaduj Police Station, Tal-Khatav, District- Satara, for offences punishable under Sections 353, 379 r/w 34 of the Indian Penal Code ('IPC' for short) and Sections 8 and 15 of the Protection of Environment Act, 1986.

2. The information was received by divisional police officer that, illegal excavation is going on near the Yerala river in village Siddheshwar Kuroli, the police raided the spot. They found Dumper, Truck, and JCB machine being used to excavate sand. Two persons Swapnil Deshmukh and Akshay Bhoite were apprehended at the

spot. The arrested accused shouted at the driver and told him to leave the spot. The driver ran away with JCB machine. The driver of Dumper also ran away from the spot. Apart from the arrested accused, the name of co-accused Nilesh Godse and applicant was revealed as persons involved in this offence. It is alleged that, applicant ran away from the place of incident. According to the prosecution, the applicant is owner of JCB machine.

3. Learned counsel for the applicant submitted that, the applicant has been falsely implicated in this case. There is no description of JCB machine. He was not found at the spot. The name of the applicant was mentioned on the basis of incorrect information from the arrested accused. The JCB Machine found in the offence do not belong to the applicant. There are no criminal antecedents against him. He is willing to co-operate with the investigation.

4. Learned APP submitted that, name of the applicant is disclosed in the FIR. The applicant is owner of JCB machine. He was driving JCB machine. The co-accused Nilesh Godse had preferred application before this Court which has been rejected on 20 January 2020.

5. I have perused the First Information Report, name of the applicant is disclosed in the FIR. Raid was conducted near the bed

of Yerala river. The applicant was allegedly present at the spot, while co-accused were excavating sand. Applicant ran away from the place of incident. According to the prosecution JCB machine belongs to the applicant. The arrested accused were apprehended on the spot. The name of the applicant is disclosed by co-accused. According to the prosecution, the applicant was driver as well as owner of JCB machine. He ran away from the spot of incident. The excavation of sand and loading with the JCB machine was being carried out. In these circumstances, no case for grant of Anticipatory Bail is made out.

6. Anticipatory Bail Application No.200 of 2020 is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)