

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 35 OF 2020

Bhimanna Siddharam Khyamgonde

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Ritesh Thobde, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK, J.

DATE : 9th January, 2020

PC :

1. This is an application for anticipatory bail in C.R. No. 102 of 2019 registered with Mandrup Police Station, Solapur Rural for offences punishable under Sections 379, 353, r/w 34 of Indian Penal Code and Section 9 & 15 of the Environment Protection Act.
2. The case of the prosecution is that on 1st May, 2019, the information was received by the complainant and on instructions from the officer it was revealed that the vehicle Tempo bearing No. MH-17 T-5616 was involved in carrying sand. The police noticed the said vehicle. The vehicle was intercepted. Some persons were found in the vehicle. According to the prosecution, they disclosed that person named Bhimanna Siddharam Khyamgonde (applicant) is the owner of vehicle and on his instructions sand was being transported

to Solapur.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. He is not the owner of the vehicle which is used in the crime. It is pointed out that the accused was apprehended on the spot and was found carrying the sand along with co-accused. The arrested accused had preferred an application before the trial Court for return of the vehicle used in the crime. He had contended that he is owner of the said vehicle as he had purchased it from Smt. Sunita Patil. The said application was allowed by order dated 11th June, 2019 and the vehicle was returned to the co-accused Sidram Gadde. Thus, it is apparent that the co-accused who was amongst the apprehended accused, who had disclosed that the applicant is owner of the vehicle had himself preferred an application for claiming ownership of the vehicle which was returned to him by the Court.

4. Learned APP submitted that the name of the applicant has been disclosed during the inquiry by person who was apprehended on the spot. However, in view of the aforesaid circumstances, the applicant can be directed to cooperate with the investigation. The arrested accused were released on bail. Hence, case for grant of anticipatory bail is made out.

5. Hence, I pass the following order.

ORDER

- i) Anticipatory Bail Application No.35 of 2020 is allowed;
- ii) In the event of arrest of applicant in C.R. No. 102 of 2019 registered with Mandrup 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 15th, 16th & 17th January, 2020 between 11.00 a.m. to 1.00 p.m. and thereafter as and when called for till filing of charge-sheet.
- iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)