

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.104 OF 2020

Nilesh Anandrao Godse

Applicant

versus

The State of Maharashtra

Respondent

Mr.Dhananjayrao D. Rananaware for applicant.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20th January 2020

PC :

1. The applicant is apprehending arrest in connection with CR No.311 of 2019 with Waduj Police Station, District Satara, for offences under Sections 379, 353 r/w 34 of Indian Penal Code and under Sections 8 and 15 of Environment Protection Act.

2. The FIR was lodged on 16th December 2019. It is alleged that on 16th December 2019 information was received by Divisional Police Officer that illegal sand excavation s going on in the agricultural field near Yerala River in village Siddheshwar Kuroli. The police party raided the spot. They found dumper truck and JCB machine used to excavate the sand. Swapnil Deshmukh and Akshay Bhoiate were apprehended at the spot. The arrested accused had shouted at the driver and told him to leave the spot. The driver fled the spot of incident with JCB machine. The driver of dumper was also ran away from the spot. The arrested persons disclosed that the dumper used in the crime was owned by the applicant. Hence, the FIR was lodged.

3. Learned advocate for applicant submitted that the applicant was not present at the place of incident. The offence u/s 353 of IPC

cannot be attributed to him. Two persons were arrested. The dumper and JCB machine were seized. The sand was also seized. The role assigned to the applicant is that he was the owner of the dumper. The custodial interrogation of applicant is not necessary.

4. Learned APP submitted that there is evidence to show the complicity of applicant in the crime. The CDR record indicates that the applicant was near the place of incident. He is the owner of vehicle used in the crime. The residence of applicant is situated at a distance of about 15 kilometers. The applicant had contended before the Sessions Court that the dumper was given for use to other person. He had contended that he had appointed Sachin as driver of the dumper. The arrested accused were interrogated and involvement of the applicant in excavation of sand was disclosed.

5. Investigation is in progress. Although dumper is seized, the evidence collected during the course of investigation shows involvement of applicant in the crime. He is the owner of the dumper. On receipt of information police had arrested on spot the accused and it was noticed that illegal excavation of sand was in progress. Thus, involvement of applicant is apparent on the face of record. Although he may not be present at the place of incident and Section 353 of IPC may not be applicable, however, his involvement in other offences is shown. Hence, no case for grant of anticipatory bail is made out. Hence, Criminal Anticipatory Bail Application No.104 of 2020 is rejected.

(PRAKASH D. NAIK, J.)