

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

ANTICIPATORY BAIL APPLICATION NO.120 OF 2020

Bhaiyya @ Prasad Babaso Kale	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Prashant Patil, Advocate for the Applicant.
Mr.M.G. Patil, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 06, 2020.

P.C. :

Applicant is apprehending arrest in connection with C.R.No.400 of 2019, registered with Daund Police Station, Pune Rural, for the offence punishable under Section 379 read with 34 of Indian Penal Code (“IPC”, for short).

2 The prosecution case is that the accused were illegally excavating and by means of JCB machines in the river Bhima with the help of labourers. They had no permission for excavating sand. Three JCB machines were seized. While other three taken away from the spot. According to complainant, applicant was present at the place of incident. On noticing the

raiding party, he ran away from the spot. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. This is the first offence registered against him. Subsequently other complaints were registered. He is not involved in theft of sand. JCB machines were not owned by him. In other cases, he is granted anticipatory bail. applicant's family had claimed compensation from Tahsildar and Revenue officers and due to that the applicant has been falsely implicated in this case.

3 The complaint with regards to the alleged compensation was made on 12th April, 2017. The present FIR was registered on 28th July, 2019. Complainant has named the applicant in the FIR, as the person who was present at the scene of offence. It is the case of the prosecution that sand was illegally excavated with the help of JCB machines. The contention of the applicant that he has been falsely implicated in this case although he was not present at the place of incident, cannot be considered at this stage. Hence, Anticipatory Bail Application No.120 of 2020, is rejected and stands disposed of.

(PRAKASH D. NAIK, J.)