

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

**ANTICIPATORY BAIL APPLICATION NO.321 OF 2020**

|                          |               |
|--------------------------|---------------|
| Navnath Suryabhan Barate | .. Applicant  |
| <b><i>Vs.</i></b>        |               |
| State of Maharashtra     | .. Respondent |

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Mr.Kuldeep S. Patil i/b. Mr.Prashant S. Hagare, Advocate for the Applicant.

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

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : FEBRUARY 11, 2020.**

**P.C. :**

Applicant is seeking anticipatory bail in connection with C.R.No.613 of 2019, registered with Daund Police Station, Pune Rural, for the offences punishable under Sections 353 and 379 read with 34 of Indian Penal Code (“IPC”, for short).

2            Prosecution case is that the complainant is working as a police constable with Daund Police Station, Pune Rural. On 27<sup>th</sup> December, 2019, at 3:30 p.m., complainant, police constable D.H. Gadhave, police constable M.A. Bhagat were on patrolling duty. At about 3:45 p.m., they reached near Bhimnagar Kachra

Depot. They found one truck going towards Daund. The truck was intercepted and inquiry was made with the driver. Applicant was driving the truck. He named Ganesh Ghongade, as owner of the truck. When the truck was taken to police station, one person obstructed police from taking the truck to the police station. The driver of the truck took the truck towards Shirpur. Truck contained three brass sand.

3            Prosecution case is that the applicant was driver of the vehicle. The vehicle was containing sand. Applicant and the co-accused had threatened the complainant.

4            Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is alleged that, applicant was the driver of the truck. His custodial interrogation is not necessary. No offence under Section 353 is made out. The applicant had collected information from RTI, which indicate that on the date of incident, the said policeman who were allegedly present at spot of incident were not on duty. Hence, the entire case is false.

5            I have perused the FIR and other documents. Specific role has been attributed to the applicant. He was driver of the vehicle. He was apprehended and questioned by the police. He

disclosed the name of the owner of the vehicle. However, both of them had threatened the complainant and took away the vehicle. The defence of the applicant cannot be accepted at this stage. Considering the material on record, no case for grant of anticipatory bail is made out. Hence, Anticipatory Bail Application 321 of 2020, stands rejected and disposed of accordingly.

**(PRAKASH D. NAIK, J.)**