

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 375 OF 2020

1. Mahesh Bapurao Ingale
2. Avinash Shukhdeo Jadhav ...Applicants

Versus

The State of Maharashtra ...Respondent

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

Mr. S. R. Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th February, 2020

PC :

1. The applicants are seeking anticipatory bail in C.R. No. 583 of 2019 registered with Yavat Police Station, Taluka Daund, Dist. Pune for offences punishable under Sections 379, 353 r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that the complainant is working as Talathi at Village Nangaon. On 29th June, 2019, information was received that the Mahesh Ingale is excavating sand from the river of Bhima near village Nangaon. The raiding party went to river Bhima near Nangaon and found that applicant No.1 was excavating sand and loading it in tractor without number plate. The sand filled in the trolley was one brass.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated on account of political rivalry. No role has been assigned to applicant No.2. Applicant No.1 is not the owner of the tractor. The custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that the specific role has been attributed to the applicants in the FIR. Statement of the witnesses supports the prosecution case. The applicants are absconding from the date of registration of FIR.

5. I have perused the FIR and the investigation papers. The complainant and other witnesses have named the applicants as persons who were present at the scene of offence. Specific overt act has been attributed to them. The applicant No.1 was excavating sand. The applicant No.2 was also present at the scene of offence. Both participated in the crime. There are statements of witnesses recorded during the course of investigation attributing specific overt act to the applicants having obstructed the public servant and committing offence as alleged against them. In the light of the material collected during investigation, showing the involvement of the applicants, no case for grant of anticipatory bail is made out.

6. Hence, I pass the following order :

ORDER

Anticipatory Bail Application No. 375 of 2020
stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)