

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.379 OF 2020

1. Sanjay Dnyandev Salunkhe	
2. Shekhar Nathaji Mohite	Applicants
versus	
The State of Maharashtra	Respondent

Mr.Ghansham S. Jadhav for applicants.
Smt.A.A.Takalkar, APP, for State.
Mr.C.A.Pawar, PHC, Chinchni Wangi Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th February 2020

PC :

1. This is an application u/s 438 of Cr.PC for pre-arrest bail in CR No.I-5 of 2020 registered at Chinchani Wangi Police Station, District Sangli, for offences under Sections 395, 353, 332, 379, 143, 137, 149, 504, 506 of Indian Penal Code, and under Sections 4 and 21 of Mines and Minerals Act, 1957.

2. The prosecution case is that on 14th January 2020 at about 12.30 hours in the mid night, the Circle Officer along with Tahsil staff were on patrolling duty in the vicinity of village Vangi to take action against sand excavators. When they were near Shelbav Phata, they received secret information that in village Vangi, near Arfal Canal, some persons are excavating sand and loading the same in tractors. They went their and noticed three tractor loaded with sand. The informant requested the tractor drivers to take the tractors to Tahsildar Office. At that time the applicant came their in Maruti-800

car and started arguments with the complainant and threatened the staff on duty. The complainant and other tahsil staff tried to enter the trolley of tractor which was filled up with sand. At that time the applicants and the drivers of tractors interfered in the duty of complainant and other officials and assaulted them by fist and kick blows. The officials were assaulted and threatened.

3. Learned advocate for applicants submitted that the applicants are falsely implicated in this case. In the past threats were issued by the complainant that applicants will be implicated in false cases. There is nothing to show that the accused have committed theft of sand. Custodial interrogation of the applicants is not necessary.

4. Learned APP submitted that there is sufficient evidence to show involvement of the applicants in the crime. The officials had sustained injury which is borne out by injury certificate. There are criminal antecedents against applicant no.2. He was also externed. One case under Motor Vehicles Act is against him.

5. There is sufficient evidence to show the complicity of applicants in the crime. The public servants were assaulted, threatened and abused. The accused took away the tractor trolleys loaded with sand. Thus, there is sufficient material against the applicants, which requires their custodial interrogation. Hence, Criminal Anticipatory Bail Application No.379 of 2020 is rejected.

(PRAKASH D. NAIK, J.)