

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

6 ANTICIPATORY BAIL APPLICATION NO.395 OF 2021

GANESH DNYANESHWAR KAKDE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr.S.J.Salunke, Advocate for the applicant.
Mr.S.P.Sonpawale, APP for the respondent-State.

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**CORAM: MANGESH S. PATIL, J.
DATE : 07.06.2021**

P.C.

1] Apprehending arrest in connection with crime No.95/2021 registered with Kadim Police Station, Jalna, for the offences punishable under Sections 307, 353, 332, 379, 506 r/w. 34 of the IPC and under Section 3 and 4 of the Mines Act, 1952, the applicant is seeking bail in the event of his arrest.

2] FIR has been lodged by a public servant who was holding a post of Circle Officer in the Tahsil office of Jalna. He alleges that when he along with some of his colleagues was on look out for the vehicles illegally transporting mines and minerals in the night intervening 10th March, 2021 to 11th March, 2021, their vehicle went in hot pursuit of a truck suspectly illegally carrying sand. It is alleged that the

applicant who was travelling in another vehicle instigated the driver of the truck to run over the vehicle of the informant. Obeying his instructions, it is alleged that the driver of the truck who is also a co-accused gave a dash to the vehicle in which these Revenue Officers were travelling damaging both the vehicles. It is then alleged that the truck then fled from the spot. The applicant who was also following the vehicle of the Revenue Officers threatened them of dire consequences and fled from the spot.

3] The learned Advocate for the applicant would submit that he is being falsely implicated. The allegations in the FIR would clearly demonstrate that the incident sought to be made out is clearly concocted one. The FIR contains several improbable statements. The truck as well as the vehicle in which the applicant was allegedly travelling have already been seized. He has no connection with the ownership of the truck. He is ready to cooperate the Investigating Officer. His custodial interrogation is not necessary. There is enormous delay in lodging the FIR *albeit* the incident is stated to have taken place at a distance of 1 kilometer from the concerned Police Station.

4] Learned APP opposes the application and submits that there is enough material transpired during investigation to reveal involvement of the applicant in the crime which was essentially for illegally excavating the mines and minerals. He

would submit that the offence of kind are on the rise. There is an attempt to kill the Revenue Officers. The statement of the owner of the truck has already been recorded who has stated to have let the truck to the applicant. There are criminal antecedents as well. Custodial interrogation of the applicant is necessary and the application be rejected.

5] I have carefully gone through the papers of the investigation and have considered the rival submissions.

6] It is necessary to bear in mind that threadbare scrutiny of the material is not expected at this juncture.

7] Fact remains that the spot panchnama reveals that both the vehicles i.e. the vehicle in which the informant and other Revenue Officers were travelling and the truck have been damaged. Red markings have appeared on the truck suggestive of there being collision between the two vehicles since the car of the Revenue Officers was red in colour.

8] There is statement of the owner of the truck that he had lend this truck on rent to the applicant for transporting sand.

9] Besides it has been specifically alleged that the applicant has already been involved in similar crime earlier and that was the reason these Revenue Officers were able to

identify him. It has been specifically alleged that not only the applicant had instigated driver of the truck to run over the vehicle of the Revenue Officers but subsequent to the collision he had threatened them of dire consequences.

10] This much of material at this stage is sufficient to reveal involvement of the applicant in a serious crime. Few crimes have already been registered against him which fact is suggestive of his character.

11] Considering all the aforementioned facts and circumstances, the applicant is not entitled to anticipatory bail.

12] The application is rejected.

13] It is made clear that the observations in this order are restricted to the decision of this application.

[MANGESH S. PATIL, J.]

DDC