

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

30 ANTICIPATORY BAIL APPLICATION NO.1104 OF 2021

HARSHAL RAMESH SHINDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Z.H. Farooqui h/f. Mr. Niteen V. Gaware
APP for Respondents: Mr. N.T. Bhagat.

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CORAM : PRAKASH D. NAIK J.

DATE : 11TH OCTOBER, 2021.

PER COURT:

1] This is an application under Section 438 of Cr.P.C. preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 536 of 2021, registered with Police Station, Rahuri, Dist. Ahmednagar for the offences punishable under Sections 353, 379, 34 of IPC and under Sections 3 and 15 of the Environment (Protection) Act.

2] The FIR was registered on 10.7.2021 by Mohd. Fasiyoddin Shaikh, who is employed as a Tahsildar.

3] The case of the complainant is that, on 10th July, 2021, while he was proceeding from Manmad Highway, he saw a dumper without registration number. They tried to stop the vehicle. However, the dumper left the place in full speed. They tried to chase the vehicle. The dumper then off-loaded the soft soil, which was in the vehicle and left the place. One person, who was standing there, informed that he had made a call to the owner of the dumper. Therefore, it was alleged that applicant was involved in the crime being owner of the dumper. The allegations are vague.

3] The learned APP opposed the application by contending that investigation is in progress. The custodial interrogation of the applicant is necessary.

4] There is nothing on record to show that applicant was involved in the offence. The applicant is sought to be arrested merely on suspicion. There is no witness who had seen the number of vehicle. Admittedly, there was no registration number to the vehicle. Merely because person standing at the spot had called the applicant, it can not be presumed that dumper belongs to the applicant or he was involved in illegal excavation of soft soil. It is not ascertained from where the soil was excavated or whether it was being illegally transported.

5] As stated above, custodial interrogation of the applicant is not necessary. Case for grant of anticipatory bail is made out. Hence, the following order.

: O R D E R :

[I] In the event of arrest of the applicant in connection with Crime No. 536 of 2021, registered with Police Station, Rahuri, Dist. Ahmednagar, the applicant be enlarged on bail on his furnishing PR Bond in the sum of Rs. 25,000/-, with one or two sureties in the like amount.

[II] The applicant shall appear before the I.O. on 20th, 21st, 22nd October, 2021 between 11.00 a.m. and 2.00 p.m. and thereafter as and when called till filing of charge sheet.

[III] He shall not tamper with the evidence.

[IV] Application stands disposed of.

**[PRAKASH D. NAIK]
JUDGE.**

grt/-