

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

12 ANTICIPATORY BAIL APPLICATION NO.1280 OF 2021

AVINASH CHUDAMAN SONAWANE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Vijay B.Patil, Counsel for applicant

Mr. S.B.Narwade, APP for respondents-State

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CORAM : PRAKASH D. NAIK, J.

DATE : 15th NOVEMBER, 2021

PER COURT:

1] This is an application for anticipatory bail in Crime No.0121 of 2021 registered with Bhusawal Taluka Police Station, Dist.Jalgaon for the offences punishable under Sections 353, 379 and 506 read with 34 of Indian Penal Code (in short, 'IPC') and Section 15 of Environment (Protection) Act, 1986.

2] The first informant is Talathi. In the First Information Report (for short 'FIR') dated 18th July, 2021, it is alleged that the complainant and others were patrolling at Sakegaon. At about 9.00 pm, they found that *Dumper* was driven on Bhusawal Jalgaon Highway. It was intercepted by them and on examination, it was found that it was containing Sand. The driver was not having any license or receipt for transporting the Sand. On inquiry, he disclosed his name as Digambar Koli. He was told to carry the *dumper* to the office of Tahsil. However, the driver managed to flee

with the *Dumper* towards Sakegaon village instead of complying the directions of the complainant to take the vehicle to the Tahsil Office. After sometime, the *dumper* driver came with the applicant. The applicant has allegedly claimed that the *Dumper* belongs to him and that Sand which was loaded in the *Dumper* also belongs to him. He was told to take the *Dumper* to the Office of Tahsil. At that point of time, the applicant told the complainant and others that they can initiate whatsoever action but he would not carry the *dumper* to the office of Tahsil. They intimidated the complainant and also charged at him. The driver of the *Dumper* and the applicant managed to flee from the place of incident.

3] Learned counsel for the applicant submitted that the custodial interrogation of the applicant is not necessary. The *dumper* was seized by the investigating agency. The FIR is fabricated. No such incident had occurred. There has been delay in lodging the FIR. The incident had occurred on 17.07.2021. The FIR was lodged at 1.30 pm on 18.07.2021. The custodial interrogation of the applicant is not necessary. The driver was arrested and granted bail.

4] Learned APP submitted that there are eye-witnesses to the incident. He pointed out the statements recorded during the course of investigation. He further submitted that the applicant had applied for return of the *dumper*. He obtained special power of attorney of

registered owner and preferred an application for return of the *dumper* before the concerned Court. The applicant had participated in the crime. He obstructed the public servant, while discharging the duty. In the past one more FIR was registered against him vide Crime No.28 of 2021 for the offences under Section 452, 143, 147, 323, 504 and 427 of IPC. While he was on bail, he has committed the present offence.

5] On perusal of the FIR and the investigation papers produced by the learned APP, it can be seen that the applicant is involved in the crime. It is also relevant to note that the applicant had applied for the return of the property viz.: *Dumper* involved in the crime on the basis of special power of attorney. There are eye-witnesses to the incident. There is sufficient incriminating material to show the complicity of the applicant in the offence and no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.1280 of 2021 is rejected and disposed of.

[PRAKASH D.NAIK, J.]