

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

ANTICIPATORY BAIL APPLICATION NO. 911 OF 2021

Dhanraj Laxman Jadhav	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Mohansinh U. Rajput for Applicant.
Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 30th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.94 of 2021 registered at Vijapur Naka Police Station, Solapur, on 22/02/2021, under sections 379 r/w. 34 of the Indian Penal Code (for short 'IPC'), under sections 3 and 4 of The Mines And Minerals (Development And Regulation) Act, 1957 and under sections 184, 130 and 177 of the Motor Vehicle Act, 1988.
2. Heard Shri. Mohansingh Rajput, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.
3. The First Information Report (for short 'F.I.R.') is lodged by police constable Laxman Vasekar. He has stated that, on

22/02/2021, he was on patrolling duty. At about 5:30a.m. his team saw a tempo driven in a rash manner. The informant's team followed that tempo. The driver abandoned that tempo and ran away. The police made inquiries. They came to know that the tempo was belonging to one Yatiraj Shanke. The driver's name was not known. The tempo contained two brass sand worth Rs.20,000/-. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, his name is not mentioned in the F.I.R.. He is not concerned with the tempo and he is not concerned with sand either.

5. Learned APP opposed this application. He submitted that the owner of the tempo Yatiraj was arrested and he has given a statement that, he used to purchase sand from the present applicant, therefore, present applicant is sought to be arrested. Learned APP submitted that, Yatiraj's statement shows that, on that occasion also sand was taken from the present applicant.

6. I have considered these submissions. So far as, Yatiraj's statement is concerned, he has made a general statement that, he used to purchase sand from the present applicant. That is too

general in nature about their past dealings. So far as, that particular incident is concerned, Yatiraj has stated that his driver named Baba Janrao and other labourers were arrested while they were transporting sand after taking it from the present applicant and when they were about to sell it to customers. This part of his statement is based on hearsay information. It is clarified in further part that, he came to know about this. Therefore, at this stage, there is no concrete material against the present applicant showing his involvement. The driver is not arrested, therefore, that statement is not with police. Therefore, based only on Yatiraj's statement, police are seeking to arrest the present applicant. In my opinion, this material against the present applicant is very vague and general. On this basis, the applicant cannot be arrested. He deserves protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.94 of 2021 registered at Vijapur Naka Police Station, Solapur, the applicant is directed to be released on bail on his furnishing P R.

bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) In case, the investigating agency come across any definite material against the present applicant, then they are at liberty to make an application for cancellation of this order.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)