

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

ANTICIPATORY BAIL APPLICATION (ST) NO.345 OF 2021

Bhimraj Bira Karhe

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Prasanna K. Shahane, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.605/2020 dated 20/10/2020 registered with Shirur Police Station, under sections 353 and 379 of the Indian Penal Code. The FIR is lodged by Sushila Shankar Gaikwad, who was Talathi, working at Shirur. On 20/10/2020 the informant received information that on Waghale to Annapur road, sand was illegally transported in a truck. The informant waited at the spot with her team. At about 07.30 p.m. they intercepted the truck bearing No.MH-12-LT-4852. It was stopped. There was

three brass of sand in the truck. The informant asked for receipt or other documents. But the driver did not have any document. He told the informant that the truck was owned by Rama Kondibhau Pawar. He informed that sand was taken from Dhangarwada at Ramling. The truck driver pushed away the informant and others and forcibly took the truck away from there. On this basis FIR is lodged. Subsequently the truck driver was arrested and the person Rama Pawar, named by him was granted anticipatory bail.

2. Heard Mr.Prasanna K. Shahane, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.
3. Learned counsel for the Applicant submitted that the FIR does not name the present Applicant. The truck driver had given name of one Rama Pawar as the owner of the truck. He submitted that this Applicant had given his truck to this Rama, who has committed this offence. He therefore prayed for grant of anticipatory bail.

4. Learned APP opposed this application. He emphasized the fact that the truck stood in the name of the present Applicant. He made statements on instructions that the Applicant himself was present at the spot monitoring the development.

5. Considering submissions made by the learned APP, the involvement of present Applicant is made out. There is no denial of the fact that the truck used in commission of the offence stood in the name of the present Applicant. According to investigation, the Applicant was present at the spot and was monitoring the development. In this view of the matter, custodial interrogation of the Applicant is necessary. No case for anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)