

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

ANTICIPATORY BAIL APPLICATION NO. 749 OF 2021

Sandip Nanasaheb Dhanwade Applicant

Versus

The State of Maharashtra Respondent

Mr. Bhushan Raut for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 193 of 2021 registered with Karmala Police Station, on 26/02/2021, under sections 439 and 379 of the Indian Penal Code (for short 'IPC') and under section 15 of the Environment (Protection) Act, 1986.

2. Heard Shri. Bhushan Raut, 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 the police constable Amol Jagtap. He has stated that, he was attached to Karmala police station. On 25/02/2021 he was on night patrolling duty. At around 4:00a.m. on 26/02/2021 the informant received information that some people were illegally excavating sand from Bhima river bed. The superior police officers were informed and the informant and others went to the spot. The police party went to the spot in the river in a launch. They saw that four people were illegally excavating sand from the river bed and loading it in a fiber boat. With the help of launch, the boat was brought on the shore. The four persons who were excavating the sand were arrested. Their names are Bholu Shaikh, Jakir Shaikh, Ketabuddin Shaikh and Alikul Shaikh. On inquiries they informed that one boat was belonging to Vilas Ubale and other boat was belonging to the present applicant. The panchanama was carried out. Since the boat was difficult to carry at any place and the sand had to be returned in the river bed, the boat was taken in the river and it was drowned in the river with the sand. In all, 12 brass sand was excavated. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the

applicant is not the owner of the boat. There are no documents to show that the boat was belonging to him. The applicant was at a distance of 30Km. away from the spot of raid when the raid was conducted. He submitted that, there is nothing to show that he was in communication with either of the four workers who were excavating the sand. Learned counsel for the applicant further submitted that the boat is now destroyed and there is no evidence remained against the present applicant, even as per the prosecution case. There are no antecedents against him. He is willing to co-operate with the investigation, therefore, anticipatory bail be granted to him.

5. Learned APP, on instructions of the I.O. opposed this application. He produced investigation papers before me. The investigation papers contain statement of one Ketabuddin who was arrested on the spot. He has stated that, he was resident of Jharkhand and he came to Indapur for job. The applicant had come to receive him. On his instructions they were excavating the sand. This statement is directly implicating the present applicant. At this stage, there is sufficient material available with the

investigating agency showing complicity of the present applicant.

His custodial interrogation is necessary to find out his activities.

No case for anticipatory bail is made out.

6. The application is rejected.

(SARANG V. KOTWAL, J.)