

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

**ANTICIPATORY BAIL APPLICATION NO.1413 OF 2021**

Bharat Amarsing Mansawale

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Mr.Ujwal R. Agandsurve, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 18<sup>th</sup> JUNE, 2021**

**(Through video conferencing)**

**P.C. :**

1. The Applicant is seeking anticipatory bail in connection with C.R.No.220/2021 registered with Solapur Police Station, on 24/04/2021 under sections 379 r/w 34 of the Indian Penal Code and under section 9 and 15 of Environment Protection, Act, 1986.

2. The FIR is lodged by P.C. Vijaykumar Malsiddh Ghale, attached to Solapur police station. The police officer received a

secrete information on 23/04/2021 that sand was being excavated in river bed and it was being loaded in some vehicle. The police officers went there. They chased that particular tempo. It was intercepted at 01.30 a.m. One brass sand worth Rs.6,000/- was found in the tempo. It was driven by Shrikant Bharle. He informed that sand was taken from the present Applicant, which was excavated from the river bed. On these allegations, the FIR is lodged.

3. Heard Mr.Ujwal R. Agandsurve, learned counsel for the Applicant and Mr.S.H. Yadav, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant is framed in this case. The investigating agency are taking sides of the Applicant's rivals. He submitted that right from the year 2019 he has been making complaints to higher authorities about the illegal sand excavation business. He has also initiated several proceedings.

5. Learned APP on the other hand produced the panchanama which was drawn pursuant to the statement give by the co-accused Shrikant. In that Panchanama he had led police party to the spot near the Applicant's field and the river bed, from where the sand was loaded in the tempo.

6. At this stage, the statement of the co-accused is relevant. He has clearly named the Applicant, from whom he had purchased the sand. The Applicant had no authority for excavation of sand. In this view of the matter, custodial interrogation of the Applicant is necessary. No case for grant of anticipatory bail is made out. The application is rejected.

**(SARANG V. KOTWAL, J.)**