

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1067 OF 2019

Ajit Madhavrao Patil
versus
The State of Maharashtra

Applicant

Respondent

Mr.Milind Deshmukh for applicant.
Ms.Veera Shine, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th July 2021

PC :

1. The applicant is apprehending arrest in CR No.25 of 2019 registered with Vaduj Police Station, District Satara for offences under Sections 307, 353, 379 r/w 34 of Indian Penal Code, and under Sections 8 and 15 of Environment Protection Act. The FIR was registered on 31st January 2019.

2. The case of prosecution is that on 31st January 2019 the Sub Divisional Police Officer and other staff had received information and conducted raid on the bank of River Yerla situated at Village Ambavade. They found that sand was excavated illegally and some vehicles were used for transporting the sand. Three JCB machines were also found at the scene of offence. One of the driver of JCB machine tried to attack the SDPO by running over the JCB machine. The FIR was registered. Some of the accused were arrested and charge sheet has been filed against them.

3. The contention of applicant is that he was not found present at the place of incident. He is falsely implicated on the basis of

statement of co-accused who had referred to the applicant as owner of JCB machine, which was found on the spot. According to the applicant, the JCB was earlier owned by Hanmant Mane and it was sold to the brother of applicant. Reliance is placed on agreement entered into between Yuvraj Patil (brother of applicant) and Hanmant Mane along with registration papers of JCB. It is submitted that applicant is in no way concerned with JCB.

4. It is further submitted that JCB machine was seized and application u/s.457 of Cr.PC was preferred by Yuvraj Patil for return of JCB to him. The said application was allowed by learned JMFC, Vaduj and the JCB was handed over to the brother of applicant.

5. Undisputedly the applicant was not present at the scene of offence. He was implicated on the basis that one of the JCB found at the place of incident belongs to him. The JCB was allegedly purchased by Yuvraj Patil and the same is being handed over to him by Court on application made u/s.457 of Cr.PC. In the light of aforesaid circumstances, the applicant need not be subjected to custodial interrogation. Interim protection was granted to the applicant vide order dated 3rd May 2019 which is continued till date. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 3rd May 2019 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.25 of 2019 registered with Vaduj Police Station, District Satara, the applicant be released on bail on executing PR bond in the sum of

Rs.25,000/- with one or more sureties in the like amount;

(iv) The applicant shall co-operate with investigation and shall appear before the Investigating Officer as and called for.

(PRAKASH D. NAIK, J.)

MST