

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

ANTICIPATORY BAIL APPLICATION NO. 28 OF 2021

Sandip Kisan Diwekar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Imtiyaz I. Patel for the applicant.

Smt. J.S. Lohokare, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 25th JUNE, 2021**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 962 of 2019 registered at Yawat Police Station, Pune, on 22/10/2019, under sections 353, 379 read with Section 34 of the Indian Penal Code.

2. Heard Mr. Imtiyaz Patel, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

Y.S.patil

3. The FIR is lodged by one Bapu Jadhav who was a Talathi at Varwand, taluka Daund, District Pune. On 21/10/2010, he was informed that the Flying squad had intercepted a truck carrying five brass of sand. The informant was called at the spot. Therefore, he went to Varwand near Dhondi-Gondi vasti. He saw that the truck bearing No. MH-16-AR-5286 was parked at the spot. It contained five brass of sand. There were three persons in the truck. The truck owner gave his name as Amol Diwekar. The other person present was the applicant. There was third person who was driver of the truck. His name was Gejage. The first informant asked the truck owner Amol regarding the sand in the truck. He did not give any satisfactory answer. He did not produce any documents. The informant told the truck driver to drive the truck towards Talathi Office. Owner and the driver did not take truck towards Daund. The truck owner Amol forced the informant to climb down from the truck. He threatened to put the truck in a canal. The informant had to get down from the truck. Thereafter the truck was

driven towards Kusegaon. On this basis the FIR is lodged.

4. Learned Counsel for the applicant submitted that the applicant had nothing to do with the incident. The truck is not registered in his name. Even the FIR mentioned that brother of the applicant Amol was owner of the truck. The other allegations about forcing the informant from climbing down the truck was also against the brother of the applicant Amol.

5. Learned APP opposed this application. She submitted that the applicant was also travelling in the same truck.

6. I have considered these submissions. The averments in the FIR are clear enough. The allegations are squarely made against the applicant's brother Amol. He was described as truck owner. Amol and the driver took away the truck after the informant was forced to get down from the truck. In the entire incident except for

mere passive presence of the present applicant, there is no material against him. In this view of the matter, custodial interrogation of the applicant is not necessary. The applicant can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No. 962 of 2021 registered with Yawat Police Station, Pune, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)