

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

ANTICIPATORY BAIL APPLICATION NO. 2144 OF 2021

Vikas Chandrakant Vibhute

..Applicant

V/s.

The State of Maharashtra

..Respondent

Ms. Pratiksha Shetty i/b Mr. Umesh Mankapure for the Applicant.

Mr. R.M. Pethe, APP for the Respondent/State.

HC Raju Chougule, Sangola Police Station, Solapur.

CORAM : C.V. BHADANG, J.

DATE : 8 MARCH 2022

P.C.

1. The Applicant, apprehending his arrest, in connection with the investigation of Crime No. 443 of 2021 registered with Sangola Police Station, Dist. Solapur under Section 353, 379, 504, 506 read with Section 34 of IPC, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by police constable Kumar Balbhim Jadhav. According to the informant on 30.04.2021 at about 21.00 hrs, he was asked to visit Nazara outpost in order to take action against illegal activities. It is his case that at about 00.30 hrs of

01.05.2021, he received information that there is illegal sand mining going on at village Ajanale to Bombewadi Road. Accordingly, a tractor and the trolley was intercepted. The trolley was containing sand which was illegally mined. It is claimed that at that time 2 to 3 persons came on the motorcycle and accosted the informant, when the informant asked their names and addresses. The informant also states that the Applicant was one of the persons who gave his name and after threatening the informant, took away the tractor and the trolley.

3. Upon hearing the learned counsel for the parties, it appears that the tractor and the trolley as well as sand has been recovered by the Investigating Officer. Indisputably, there is no allegation of any physical assault or use of the criminal force against the public servant. Although, not even slightest obstruction to the public servant in discharge of the public duty can be justified. The allegation is that there is only altercation with the informant and the tractor and trolley was taken away.

4. Considering the nature of allegations and having regard to the fact that the vehicle as well as sand has been recovered, I do not find that the custodial interrogation is warranted.

5. The learned APP submitted that there are criminal antecedents against the Applicant. However, that may not come

in the way of present case, having regard to the nature of the allegations in the FIR.

6. In the result, the following order is passed:

ORDER

i) In the event of his arrest, in connection with the investigation of Crime No. 443 of 2021 registered with Sangola Police Station, Dist. Solapur, the Applicant **Vikas Chandrakant Vibhute** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer.

iii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iv) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)