

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3223 OF 2022**

Praveen Shrishail Konade ... Applicant

Versus

State of Maharashtra ... Respondent

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Mr. Ritesh Thobade for the Applicant.

Mr. A.R. Kapadnis, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 25 NOVEMBER 2022

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 267 of 2022 registered at Akkalkot (South) Police Station, Solapur for the offence punishable under Sections 353, 323, 379, 294, 506 r/w. 34 of Indian Penal Code and Sections 9, 15 of the Environment (Protection) Act, 1986.

3. It is the case of prosecution that on 24th April 2022 the tractor bearing registration No.MH-13-AJ-3718 was intercepted and the present applicant who was driving the said tractor was found to be illegally transporting one brass of sand worth Rs.5000/-. It is alleged that when the

complainant and the other Government officials told the present applicant to take the tractor to the Tehsil office, the present applicant and his brother assaulted them and ran away with the tractor.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the applicant is an agriculturist. There are no other criminal antecedents. It is submitted that nothing is to be recovered from the present applicant and therefore his custodial interrogation is not necessary. It is submitted that the applicant may be released on anticipatory bail.

6. The learned APP for the State submits that the present applicant assaulted the government official, when they asked him to take the tractor to Tehsil office, in which he was found to be illegally transporting one brass of sand. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the FIR. It is not the case of the applicant that he was having permit to excavate and transport the sand which was found in his tractor. Apart from it he assaulted the government officials. Though he was instructed to take the tractor to Tehsil office, he ran away with the tractor. Considering the facts and circumstances, I am not inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

ORDER

Application is rejected.

(N.R. BORKAR, J.)