

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

**ANTICIPATORY BAIL APPLICATION NO. 2804 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO. 1952 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO. 2806 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO. 2813 OF 2022**

Manisha Sandip Jadhav

Applicant

Versus

The State of Maharashtra

Respondent

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Mr. J. D. Khairnar, Advocate for the Applicant.

Ms. P. N. Dabholkar, APP, for Respondent – State.

Mr. Sachin Ramesh Vairagar, P. N., Yeola Taluka Police Station,
present.

PSI R. D. Patil, Yeola Police Station, present.

PSI Prakash R. Gavli, Wavi Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 14th OCTOBER 2022

PC :

1. The Applicant is apprehending arrest in connection with C.R. No.184 of 2022 registered with Yevla Taluka Police Station District Nashik, C.R. No. 123 of 2022 registered with Wavi Police Station, Nashik, C.R. No.185 of 2022 registered with Yevla Taluka

Police Station, Nashik and C.R. No. 186 of 2022 registered with Yevla Taluka Police, Nashik.

2. C.R. No.184 of 2022 is registered with Yevla Taluka Police Station, Nashik on 31st May 2022 for offences punishable under Sections 379, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code and Section 48(7) of Maharashtra Land Revenue Code, 1966. It is alleged that, the complainant is the Police Constable attached to Local Crime Branch, Nashik. On 31st May 2022, the complainant alongwith other persons were on patrolling duty. The secret information was received that, sand is illegally transported through some vehicles. They saw the truck bearing No. MH-15-AG-1957 driven in full speed. On suspicion, the patrolling party chased the vehicle and intercepted it at Mukhedphata Taluka Yevla. The driver gave his name as Vilas Ashok Nagare. He stated that, the vehicle was carrying sand. He showed the licence of transportation of sand and stated that the sand was brought from Manjur District Ahmednagar from the river of Godavari. He disclosed the name of owner Gorakh Kashinath Nagare residence at Dongargaon, Niphad. On perusal of the licence it was noticed that, the licence was in the name of Manisha Sandeep Jadhav (Applicant) and there is alteration in the date reflected therein. It was revealed that, sand was stolen and by making alteration in the licence. It was

transported unauthorizedly. FIR was registered on 31st May 2022.

3. The Applicant preferred an application for anticipatory bail before the Court of Sessions at Niphad. The said application was rejected vide order dated 5th August 2022. During the pendency of the application, interim protection was granted to the applicant vide order dated 8th June 2022.

4. C.R. No.123 of 2022 was registered with Wavi Police Station on 1st June 2022 for offences under Sections 379, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code and Section 48(7) of Maharashtra Land Revenue Code, 1966. It was alleged that the complainant is the Assistant Police Inspector attached to Local Crime Branch, Nashik. On 31st May 2022, he was on patrolling duty along with other persons. Secret information was received that some persons are illegally transporting stolen sand through vehicles. While patrolling they noticed vehicle bearing No.MH-EG-9030 proceeding in full speed towards Panchale. On suspicion, the vehicle was chased and intercepted it. The driver of the vehicle is gave his name as Hari Laxman Pimple. He stated that, the vehicle was carrying sand. He pointed out the licence for transportation of sand. He also stated that, the sand was brought from Manjur, Taluka Kopargaon, District Ahmednagar from Godavari river. He gave name of the owner of vehicle as Anil Gorkshnath Shirsath. On perusal of

the licence it was noticed that, the same was issued in the name of Manisha Sandeep Jadhav (Applicant). There were alteration on the licence. Thus, accused were involved in illegally transporting of stolen sand by using fabricating licence.

5. The Applicant preferred an application for anticipatory bail before the Court of Sessions at Nashik. The said application was rejected by order dated 1st July 2022.

6. C.R. No. 185 of 2022 was registered with Yevla Taluka Police Station on 31st May 2022 for offences under Sections 379, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code and Section 48(7) of Maharashtra Land Revenue Code, 1966. It is alleged that the complainant is the Police Head Constable attached to Local Crime Branch, Nashik. He was on patrolling duty alongwith others persons. The tempo bearing No. MH-16-AC-9934 was driving in full speed. On suspicion, they chased vehicle and intercepted at Manoriphata. The driver of the vehicle gave his name as Devidas Nivrutti Kanade. He stated that, the vehicle is carrying sand. It was brought from Manjur, District Ahmednagar from Godavari river. He gave the name of owner of vehicle as Dnyaneshwar Ramdas Ingale. He produced the licence for transportation of sand. On perusal of the same it was noticed that, the licence is in the name of Manisha Sandeep Jadhav (Applicant). There were alteration in the licence.

Thus, the accused were involved in illegally transporting of stolen sand by using fabricated licence.

7. The applicant preferred an application for anticipatory bail before the Sessions Court at Niphad. The said application was rejected vide order dated 5th August 2022. During the pendency of the application, interim protection was granted to the applicant vide order dated 8th June 2022.

8. C.R. No.186 of 2022 was registered with Yevla Taluka Police Station on 1st June 2022 for offences under Sections 379, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code and Section 48(7) of Maharashtra Land Revenue Code, 1966. It is alleged that the complainant is the Police Constable attached to Local Crime Branch, Nashik. He was on patrolling duty along with others. On 31st May 2022, secret information was received that some persons were involved in illegally transporting stolen sand. While on patrolling duty, they noticed that vehicle bearing No.MH-17-BZ-6555 was driven in full speed. On suspicion, they chased vehicle and intercepted it. The driver gave his name as Dnyaneshwar Burungule. He informed that the vehicle was carrying sand brought from Manjur, District Ahmednagar from Godavari river. He gave name of owner of the truck as Sandip Bhagwan Ilag. He showed the licence for transportation of sand. On perusal of licence it was noticed that, it

was in the name of Manisha Sandeep Jadhav (applicant). There were alteration in the licence. Thus, the accused were involved in illegally transporting of stolen sand by using fabricated licence.

9. The applicant preferred an application for anticipatory bail before the Sessions Court at Niphad. The application was rejected vide order dated 5th August 2022. During the pendency of application, interim protection was granted to the Applicant by order dated 8th June 2022.

10. Learned Advocate for the applicant submitted that, the applicant is not involved in the crime. The tender has been allotted to the applicant and licence has been granted for excavation of miles and minerals i.e. sand from river. The applicant has pay Government charges including royalty amount and the question of commission of theft of sand does not arise.

11. Learned APP on instructions submitted that, the investigation is in progress. However, custodial interrogation of the applicant is not necessary.

12. From the factual analysis it is apparent that, the applicant was granted licence for excavation of sand. The applicant appears to be auction purchaser. She has deposited auction price for the period of 6th May 2022 to 9th May 2022. Order is issued to her by collector, Ahmednagar and Tahashildar, Kopargaon. There is

nothing on record to substantiate that the applicant has fabricated the documents. Considering the aforesaid circumstances, application can be allowed.

ORDER

- (i) Anticipatory Bail Applications are allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with C.R. No. 184 of 2022 registered with Yeola Taluka Police Station, C.R. No.123 of 2022 registered with Wavi Police Station, C.R. No. 185 of 2022 registered with Yeola Taluka Police Station and C.R. No. 186 of 2022 registered with Yeola Taluka Police Station, the applicant be released on bail on executing PR. bond in the sum of Rs.15,000/- with one or more sureties in each case.
- (iii) The applicant shall report concerned Police Station as and when called.

(PRAKASH D. NAIK, J.)