

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3139 OF 2021

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA NITIN
CHAVAN
Date: 2022.01.18
17:47:04 +0530

Vikas Narhari Ubale

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Nagraj Shinde for the Applicant.

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

CORAM : C.V. BHADANG, J.

DATE : 18 JANUARY 2022
(Through Video Conferencing)

P.C.

1. The Applicant apprehending arrest in connection with investigation of Crime No. 193 of 2021 of Police Station Karmala District Solapur under Section 439 and 379 read with Section 34 of IPC and Section 15 of the Environment (Protection) Act, 1986, is seeking anticipatory bail.

2. The learned counsel for the Applicant submitted that the name of the Applicant has been taken by the co-accused. It is pointed out that the co-accused, who were actually found to be indulging in illegal sand mining have stated that the fiber boat was belonging to the Applicant. He submitted that there is no

prima facie case against the Applicant. He also submitted that in similar situation, this court had granted protection in Criminal Application No. 101 of 2021 by order dated 19.03.2021 at Aurangabad.

3. The learned APP pointed out that there are criminal antecedents to the discredit of the Applicant. He submitted that there are cases of similar nature pending against the Applicant about illegal sand mining and one case under MCOC Act. The learned APP pointed out that the Applicant had made a statement before the learned Sessions Judge that there are no criminal antecedent. It is also pointed out that the anticipatory bail of the co-accused Sandip Dhanwade has been rejected by this Court on 07.03.2021 in Anticipatory Bail Application No. 749 of 2021.

4. I have considered the submissions made.

5. It appears that the co-accused has been refused protection by a co-ordinate Bench of this Court. The Applicant is stated to be involved in similar cases previously including a case under MCOC Act. The Applicant had made a statement before the learned Sessions Judge, which appears to be false to his own knowledge about criminal antecedents. This itself disentitles the Applicant to any discretionary relief. The application of the co-accused has also been rejected.

6. In such circumstances, Criminal Application stands rejected.

(C.V. BHADANG, J.)