

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.347 OF 2023

Santosh s/o. Bhanudas Danve	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr.N.S.Shah, Advocate for applicant
Ms.R.P.Gaur, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : APRIL 13, 2023**

ORDER :-

Heard.

2. The applicant is alleged to have committed offence punishable under Section 379 read with Section 34 of Indian Penal Code.

3. The sum and substance of the prosecution case is that the applicant has been dealing in unauthorised sand mining. Similar crimes, not less than five in number, have been registered against him and his brother. In the present crime, although the applicant was not present on the site, his brother, who is one of the co-accused along with present applicant in another crime, disclosed involvement of the applicant in the crime in question. It is submitted that the statement

of co-accused is not admissible in evidence. Learned counsel for the applicant may be correct but for investigation purpose, the same can be relied on to have further head-way in the matter.

4. Since the applicant has indulged in similar offences, not less than five in number and his involvement in the present crime has been surfaced based on the statement of his real brother, this Court is not inclined to grant him protection. It is reiterated that the reason for rejection of the present application is involvement of the applicant in similar crimes in the recent past and that his real brother indicates his involvement in the present crime.

5. The application is rejected.

[R.G. AVACHAT, J.]

KBP