

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

ANTICIPATORY BAIL APPLICATION NO. 417 OF 2023

1. Santosh Tanaji Raut
2. Shivanand Bhiva Dalvi ..Applicants
VS.
State of Maharashtra ..Respondent

Mr. Ritesh M. Thobde a/w Mr. Sagar S. Tambe, for the Applicants.

Mr. S. H. Yadav, APP for the State.

Mr. S.H. Adling, Solapur Taluka Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2023

1. Heard learned counsel for the applicants and learned APP.

2. This is an application for pre-arrest bail. The applicants are apprehending arrest in connection with C.R.No.417 of 2022 dated 03/06/2022 registered with Solapur Taluka Police Station for offence punishable under sections 353, 379, 506, 392, 34 of the Indian Penal Code, 1860.

3. The FIR is dated 03/06/2022. It is alleged that on

02/06/2022, the informant (Circle Officer) along with Talathi of Tirhe village and police constable Shri Nanaware left for patrolling duty to take action against illegal transport of sand. They saw one truck carrying goods on road proceeding from Tirhe village to Solapur. They gave indication to the truck to stop. The truck driver did not stop. He drove the vehicle in high speed. The officials chased the truck and stopped it near new bypass road at about 10.05 a.m. The driver and cleaner of vehicle ran away. The officials found 5 brass sand valued at Rs.40,000/- in that truck. It was seized by preparing panchanama in the presence of two panchas. While preparing the panchanama, 4 unknown persons came on two motorcycles near these officials. One of them threatened the informant with dire consequences and forcibly took away the truck. The three unknown persons left. Therefore the offence is registered.

4. The brazen manner in which the offence is alleged to be committed, that too upon seizure of the truck, during the course of panchanama, the 4 persons which included the applicants took away the truck disentitles the applicants to

relief. This is the reason why I am not persuaded to exercise discretion in favour of the present applicants. Learned counsel for the applicants submitted that two other applicants have been released on regular bail by the Sessions Court. I am not impressed with this submission. The applicants are at a liberty to apply for regular bail. The application is rejected.

(M. S. KARNIK, J.)