



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1821 OF 2023

Sachin Vitthal Toge

....Applicant

VERSUS

The State Of Maharashtra And AnotherRespondents

AND

ANTICIPATORY BAIL APPLICATION NO. 1822 OF 2023

Gokul Ramdas Athare And AnotherApplicants

VERSUS

The State Of Maharashtra And AnotherRespondents

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Mr. N.B. Narwade, Advocate for applicants

Mr. S.R. Yadav Lonikar, APP for respondents

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th APRIL, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 770/2023, registered with Shevgaon Police Station, Dist. Ahmednagar, for offences punishable under sections 307, 353, 379 r/w 34 of Indian Penal Code, under section 15, 3 of Environment (Protection) Act, 1986 and under section 4 and 21 of the Mines and Minerals (Regulation and Development) Act, 1957.

2. FIR is lodged by police constable Ganesh Galdhar alleging that on receipt of secret information about illegal mining they conducted raid at about 4.20 am in the morning. They found one Tata 1613 model vehicle bearing No. MH-13-AX-2708, a red color dumper Tata 1613 model, without registration, a new Holland Company 3600- 2 Model tractor and trolley without number, a new Holland company 3600-2 tractor and trolley without number, a black colour Bajaj company Platina motorcycle without number, a black colour Bajaj company platina motorcycle bearing No. MH-16-CT-2937, a white colour Mahindra Scorpio vehicle bearing No. MH-12-NG-2792, a JCB of yellow colour and Holland company blue colour tractor with trolley. When raiding party intercepted said vehicles, the white colour Mahindra Scorpio vehicle bearing No. MH-12-NG-2792 and its driver charged towards the police party. He tried to run away, but it was not possible and therefore he tried to drive the vehicle upon the police squad. However, there was a pit in the front side and therefore the driver ran away leaving the vehicle on the spot.

A black colour Bajaj company Platina motorcycle bearing No. MH-16-CT-2934 was about to run away, but its rider was arrested and he told his name as Rishikesh Arjun Aher, aged 22 years. The police party arrested the driver of Scorpio vehicle

and when his name was inquired, he told it to be Lala Tamij Shaikh. The police party seized all the vehicles. He told them that vehicle bearing No. MH-13-AX-2708 belongs to him. He also revealed the name of Sachin Vithal Toge, Gokul Athare, Nagesh Badadhe, Sunil Athare being owners of other vehicles which were seized by the police.

3. Heard learned advocate for applicants and learned APP for respondents. Perused the investigation papers.

4. Applicants claim that the vehicles allegedly seized by police, were taken from the house of applicants to the spot where the illegal mining was going on and applicants were falsely implicated in the present crime. Video of police pushing tractor and dumper allegedly used in the illegal mining are sought to be relied upon by applicants to claim innocence.

5. Perusal of investigation papers reveal that the villagers have complained that applicants are indulged in illegal sand mining during night time. Serious allegations of driving Scorpio vehicle on the police and raiding party are made in the FIR. Hence, Section 307 of IPC is invoked by investigating officer in the present crime. Though, the vehicles are attached,

considering the complicity of applicants and serious allegations leveled against them, this Court is of the opinion that they do not deserve discretionary relief of anticipatory bail. Their custodial interrogation is necessary for effective investigation.

6. In the result, anticipatory bail applications are rejected.

7. At this stage, learned advocate for applicants prays for continuation of interim protection granted to applicants. Interim protection granted to applicants is continued for a period of four weeks from today.

[NITIN B. SURYAWANSHI, J.]