

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3383 OF 2024

Sandip Pralhad Wavage

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 3241 OF 2024

Mahendra Nanasaheb Jagtap

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Ganesh Bhujbal for the Applicants in both ABA.

Ms. Rutuja A. Ambekar, A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 21st FEBRUARY, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0454 dated 24th May, 2024 registered with Indapur Police Station, Pune Rural for the offence

punishable under Sections 307, 353, 341, 427, 504, 506, 143, 144, 147, 148, 149, 120-B of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act, 1951.

2. The present applicants are part of the group of 13 accused who are called as 'Sand Mafias'. Out of 13 accused, accused nos. 1 to 8, 12 and 13 are arrested and are in the custody of the police. The accused no.11 is shown as absconding. The present applicants are accused nos. 9 and 10. Their role has been mentioned in the charge-sheet.

3. It is the case of the applicants that the custody of the present applicants is not necessary as they are always willing to co-operate with the police. Their names does not find in the statement on the basis of which the FIR was lodged. Their names have been added in the charge-sheet only because the statement recorded by the police and the Sarpanch. Therefore, the interim protection be granted to them till filing of the charge-sheet.

4. It is the case of the present applicants that their names does not display in the initial FIR filed. It is only the accused nos. 1 to 5 whose names have been noted as the persons who attacked the Tahsildar and his driver. The applicants are ready to co-operate with the police and record their statements.

5. The learned A.P.P. submits that the entire group of 13 people have together attacked a public servant i.e. 'Tahsildar' when he was travelling along with his driver. Few of the accused came in front of his car with their own car and as the car of the Tahsildar stopped, they got down and started hitting the car with iron rod and stick, and the chilly power was used by the accused to throw on the face of the Tahsildar and his driver. With great difficulty, the driver of the Tahsildar taking the reverse turn of the vehicle, saved the life of the Tahsildar and himself. Hence, the FIR has been lodged.

6. The learned A.P.P. submits that there are atleast four antecedents against the applicants (Mr. Mahendra Nanasaheb Jagtap) the crimes against him in the earlier FIRs are the offences punishable under Sections 307, 324 and 341. The names of both the applicants have been specifically mentioned by the local Sarpanch of the village. The accused persons have put the life of public servant Tahsildar in danger by attacking him with iron rod and also throwing chilly power on the face of the informant and his driver.

7. As regards the applicant Mr. Sandip Pralhad Wavage is concerned, it has been specifically stated that the said accused has direct connection with the crime. He helped the co-accused no.1, Mr.Shiva Ekad after commission of the crime, to flee away in Brezza Car. The said car has not been recovered. The applicant (Mr. Mahendra Nanasaheb Jagtap) along with the co-accused forcefully snatched the mobile phone of the Sarpanch and the same was to be recovered. However, when the present applicant Mr. Sandip Pralhad Wavage visited the office of the IO,

the mobile phone was handed over to the IO. It is submitted that the Brezza Car has to be recovered. All the other 13 accused are in police custody. Therefore, the present applicants would also be required to be interrogated by taking both of them in the custody.

8. I have heard learned counsel for both the parties and also the considered the FIR and the charge-sheet and the statements attached to the charge-sheet. It is a fact that the applicant, accused no. 9, has atleast four more crime registered against him, including the crime punishable under sections 324 and 307.

9. There are atleast four antecedents against the applicants (Mr. Mahendra Nanasaheb Jagtap) the crimes against him in the earlier FIRs are the offences punishable under Sections 307, 324 and 341. The names of both the applicants have been specifically mentioned by the local Sarpanch of the village.

10. As far as the applicant Mr. Sandip Pralhad Wavage who is

arrayed as accused no.10 is concerned, his role has been alleged that he helped the accused no.1 to flee away after committing the crime in Brezza car. The said Brezza car is yet to be recovered.

11. The accused Mr. Sandip Pralhad Wavage is also alleged to be part of the accused person who snatched the mobile phone of the Sarpanch. Though the said mobile phone has now been recovered by the IO, it will be necessary to find out how many more such crimes have committed by the present accused who are termed as Sand Mafias. Releasing the present applicants would also be putting pressure on the informant and the witnesses. Looking into the criminal record of the applicants, they are likely to threaten the witnesses in the present matters. Therefore, the custody of the present applicants is necessary.

12. Hence, I find no merit in these two anticipatory bail applications. Both **the anticipatory bail applications are rejected.**

[RAJESH S. PATIL, J.]