

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1095 OF 2015

Ajit Babu Satam

..Applicant

v/s.

The State of Maharashtra.

..Respondents

Mr. A.P.Mundargi, Sr. Advocate i/b. Ms. Bhakti Deshpande for the Applicant

Mrs. R.V.Newton, APP for the Respondent-State.

Mr. Santosh Ramchandra Mutkule, API, Kalamboli Police Stn., Navi Mumbai is present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : NOVEMBER 24, 2015.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in C.R.No.I-42 of 2015 registered with Kalamboli Police Station, District Raigad, for the offences punishable under Section 379, 420, 467, 468, 471, 120B, 109, 114 r/w. 34 of I.P.C. And Section 14, 42 of the Indian Forests Act and Section 68, 88 and 129 of the Mumbai Forests Act.

2. Heard Shri Mundargi, learned Sr. Counsel for the applicant, and the learned APP for the State.

3. Learned Sr. Counsel Shri Mundargi submitted that the name of the applicant was not disclosed in the FIR and it was for the first time revealed in the remand application on 6.6.2015. He has further submitted that the records do not prima facie show the involvement of the applicant in commission of the alleged offence. It is stated that the applicant is therefore entitled for bail.

4. Mrs. Newton, learned APP submitted that statement of one of the accused prima facie reveals the involvement of the applicant in purchasing the red sandal wood. She has stated that the applicant has criminal antecedents, as much as he was earlier involved in smuggling activities and that the crime has already been registered and that the case has already been registered against him before the Special Judge, Gr. Mumbai, Special Case No. 2 of 2014.

5. I have considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State, and perused the records. The records prima facie reveal that one Shri Mohd. Jehar had lodged an FIR alleging that the truck bearing no. TN 63 AD 6811 which was parked by him by the side of the road at Kalamboli Steel Market, Khidukpada was stolen. Based on the said FIR , Crime No.42 of 2015 was registered for the offence under Section 379 r/w. 34 of the Indian Penal Code. In the course of the investigation, it was revealed that the complainant Mohd. Jehar had lodged a false complaint and that the complainant himself was involved in commission of the offence of smuggling red sandal wood. He was therefore arrayed as an accused.

6. In the course of the investigation, several persons came to be arrested. The statement of one of the person so arrested revealed that he had approached the applicant and his brother for sale of the red sandal wood. Apart from the said statement, prima facie, there is no other material to show the involvement of the applicant in purchasing the said red sandalwood, or committing any other overt

act in respect of the alleged offence. This being the case, the application for anticipatory bail cannot be rejected on the sole ground that the applicant has criminal antecedents.

7. The applicant is a permanent resident of the State and has roots in the society. There is no chance of the applicant absconding. Considering the above factor and the nature of the allegations leveled against the applicant, in my considered view, the applicant is entitled for bail. Hence, the anticipatory bail application is granted on the following terms.

i) In the event of the arrest of the applicant in Crime No.I-42 of 2015 registered with Kalamboli Police Station, the applicant be released on furnishing bail bond of Rs.25,000/- (Rupees Twenty-five Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the learned JMFC, Panvel.

ii) The applicant shall report to the Investigating Officer, initially for a period of seven days from 10 a.m. to 1 p.m., and thereafter as

and required by the Investigating Officer for the purpose of interrogation.

(ANUJA PRABHUDESSAI, J.)