

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO.285/2015
WITH
CRIMINAL APPLICATION (ABA) NO.294/2015

CRIMINAL APPLICATION (ABA) NO.285/2015

Dhanraj s/o Champat Awzekar

...Versus...

State of Maharashtra, through P.S.O. P.S. Kharangana, Tah. Arvi, Distt. Wardha

WITH

CRIMINAL APPLICATION (ABA) NO.285/2015

Virendra s/o Veljibhai Surani

...Versus...

State of Maharashtra through Police Station officer, Kharangana Police Station,
Tahsil : Arvi, District : Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri G.G. Bade, Advocate for applicant in Cril. Appln. No.285/15
Shri S.K. Verma, Advocate for applicant in Cril. Appln. No.294/15
Shri S.K. Bhoyar, APP for respondent in both applications

CORAM : A.B. CHAUDHARI, J.

DATE : 02.07.2015

The learned Counsel for the applicant in both applications vehemently argued that both these applicants have in any way no concern with the offence in question or the fabrication as alleged by the prosecution. He submitted that the applicant Virendra merely entered into the agreement with Forest Contractor, Agent and Broker, who was to obtain permission from the Forest Department for cutting the trees and also paid huge amount of Rs.4,50,000/-.

According to both the applicants, the documents were to be got prepared from the Forest Department by Sheikh Hafiz Sheikh Nabi but they were misled by him by showing a photocopy of permission for falling of trees and therefore, there was no fault on the part of the applicants.

In so far as Criminal Application No.285/2015 is concerned, the applicant has actually fabricated the documents on the instructions of accused No.1 - Sheikh Hafiz and the present applicant Virendra.

I have perused the reply filed by the State. I have heard the learned Counsel for the rival parties. The applicant Virendra is a businessman and it is difficult to ram down the throat the argument that he acted on the photocopy of the forged document, allegedly issued by the Forest Department. Insofar as the applicant Dhanraj is concerned, he is said to have fabricated the documents at the instance of Sheikh Hafiz and Virendra. The offence is related to cutting of teak trees without permission from the Forest Department but on forged passes. The offences of committing forgery of the documents etc. are the serious offences. Accused no.1 – Sheikh Hafiz has already been arrested. It is necessary to have custodial interrogation of the applicants to find out the truth during the investigation. Hence, the following order.

ORDER

Criminal Application Nos.285/2015 and 294/2015 are rejected. Liberty to apply for regular bail.

JUDGE