

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

CRIMINAL APPLICATION (ABA) NO.457/2015

(Rajan s/o Shriram Meshram and anr. ..vs..State of Maharashtra, thr.PSO P.S. Kuhi)

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

Court's or Judge's orders.

Mr. R. M. Daga, Advocate for applicants.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : OCTOBER 5, 2015.

By this application, the applicants are apprehending their arrest in connection with Crime No.77/2015, registered with Police Station Kuhi, Dist.Nagpur for an offence punishable under Sections 33 (1), (B), (C) (H) of the Indian Forest Act, 1927 and Section 2 (2) of the Forest Conservation Act, 1980.

Applicant no.2 is retired Range Forest Officer whereas applicant no.1 is working as Assistant Chief Conservator of Forest and is at the verge of retirement. The FIR is lodged by one Rajesh Dashrath Chopkar. He is Assistant Chief Conservator of Forest. From the gist of the accusation in the FIR, it is clear that though there was encroachment on the forest land from the year 2002 to 2012 at mouje Panchgaon, the present applicants have failed to discharge their duties.

On 03.08.2015, the Principal Chief Conservator of Forest has issued a communication wherein it has been stated that prior to lodging of the FIR against the persons named in the said communication, in conformity with the principles of natural justice, they may be given an opportunity of hearing. The names of the present applicants are also given in the said list. However, the other higher officials, whose names are given in the said list, are not made accused in the crime.

It is submitted before this Court by the learned counsel for the applicant that after interim protection was granted by this Court, the applicants have attended the Police Station and they have also extended cooperation to the Investigating Officer.

The learned A.P.P. Mr. V.A. Thakare, submitted that the applicants have already joined the investigation and their statements are also recorded.

Looking to the fact that the offence was committed during the period from 2002 to 2012, the applicant no.1 has already retired and applicant no.2 is at the verge of retirement, in my view, no purpose would be served by rejecting the present application for grant of anticipatory bail. That leads me to pass the following order.

ORDER

(i) Criminal Application 457/2015 is allowed.

(ii) Applicant no.1-Rajan Shriram Meshram and applicant no.2-Ramkrishna Laxman Thengadi, in the event of their arrest in connection with Crime No. 77/2015, registered with Police Station Kuhi, Dist. Nagpur for an offence punishable under Sections 33 (1), (B) (C), (H) of the Indian Forest Act, 1927 and Section 2 (2) of the Forest Conservation Act, 1980, be released on bail on they executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount.

(iii) The applicants are directed to attend Police Station as and when required by the Investigating Officer. However, the Investigating Officer shall give a clear cut 48 hours written intimation to the applicants.

JUDGE