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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 801 OF 2016**

1. Laxman Ganpat Shirke

2. Ajit Arun Neharkar

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr.A.P.Mundargi, Senior Counsel i/b Ms.Bhakti Deshpande, for the Applicants

Mr.Ajay Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 5th MAY, 2016

P.C. :

1. Heard learned Senior Counsel for the applicants and the learned A.P.P.

2. By this application, the applicants seeks their enlargement on bail in connection with C.R. No.I-27 of 2016, registered with the Uran Police Station, Raigad, for the alleged offences punishable under Sections 379, 465, 468, 420, 471, 120B of the Indian Penal Code and under Sections 26(g), 41, 42 and 69 of Indian Forest Act.

3. On 9th September, 2014, a container containing red sandal logs, seized by the custom authorities, was kept in the premises of Punjab Container and Warehousing Limited (Punjab Conware), at Uran. On 7th December, 2015 while inspecting the container, the customs authorities found that the container, containing red sandal logs, was replaced with a container, bearing the same number, with stones. It was also found that the customs seal that was affixed on the container was tampered with. During investigation, the crane operator of the company was arrested and thereafter all the accused came to be arrested. In the present case, 21 accused have been arrested and 5 accused are stated to be absconding. It is alleged by the prosecution, that the container containing red sandal logs was exported to Dubai, through Yash Logistics, by using the license of Sai Astha and the container was stated to be containing manhole covers. During investigation, the present two applicants i.e. original accused nos.15 and 16 came to be arrested.

4. Learned Senior Counsel for the applicants submitted that similarly placed co-accused have been enlarged on bail and as such the applicants are also entitled to be enlarged on bail on the ground of parity.

He submitted that the applicants were not connected to Yash Logistics nor they are the employees of the said Yash Logistics. He relied on the statement of Kapil Makhija, the person through whom the container was sent to Dubai and the statement of Madhukar Shingare to show that the applicants had not dealt with the said persons.

5. Learned APP does not dispute the fact that similarly placed co-accused, who are alleged to have fabricated the records have been enlarged on bail. He submitted that during the course of investigation, another C.R. being C.R.No.18 of 2016 was registered as against the applicants, alleging offences punishable under Sections 379 of the Indian Penal Code and under the Indian Forests Act.

6. Perused the papers. The documents which are from page no. 230 onwards, are the fabricated documents, alleged to have been forged by the applicants and other co-accused who have been enlarged on bail. The Election Commission Identity Card and other documents, which were used, are not of the applicants. Similarly placed co-accused have been enlarged on bail. Investigation is complete and charge-sheet is filed. The case which

is registered as against the applicants was after the applicants were arrested wherein, they were transferred from this case to C.R.No.18 of 2016. The applicants have been enlarged on bail in that case.

7. Considering the aforesaid, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months from the date of the release;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.