

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.904 OF 2016

Bharat Narayan Patil ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr.Kailash D. Lokare for the applicant.

Mr.Y.M.Nakhwa, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 20TH JUNE, 2016

P.C. :-

1. The applicant / accused in Crime No.25/2016 for offences punishable under sections 395, 379, 420, 465, 468, 471, 363, 170, 171 and 120B of the Indian Penal Code and under sections 41 and 42 of the Indian Forest read with 66, 88 and 129 The Bombay Forest Rules, 1942 (Transit of Forest Produce) registered with New Panvel, Raigad District by this application is seeking pre-arrest bail.

2. Heard the learned counsel appearing for the applicant. He argued that the applicant is merely a driver of the truck and he has no role to play in the crime in question.

He further argued that except his name given by the co-accused, there is no material against him. As against this, the learned APP argued that the complicity of the applicant is established in the crime in question and that the applicant is absconding since registration of the crime. He argued that the charge-sheet against other accused is already filed. The other accused are also identified in the identification parade.

3. Perusal of charge-sheet goes to show that racket of transporting and exporting of red sandalwood to foreign countries illegally was exposed because of the F.I.R. lodged by the informant Dadu Dhondiba Raktade, working with the New Panvel Police Station. The truck container bearing registration No.MH-04-BU-6649 was found near Siddhant Hotel of Mumbai-Goa Highway containing red sandalwood costing Rs.21.60 lacs. The forest produce was being transported without valid transit passes as required under the Indian Forest Act as well as the rules framed thereunder.

4. The owner of the container was summoned and he confessed commission of crime with co-accused. During investigation, it was revealed that accused Kishore Yadav and Ashok Sherekar had taken charge of the truck container from the driver Ram Jatan Col. Red sandalwood was loaded in the

container. That container carrying red sandalwood was thereafter accosted by six persons who came from Scorpio vehicle. According to the prosecution case, necessary arrangements were made for loading and exporting the red sandalwood illegally by getting customs clearance by manipulating the record.

5. During investigation, it was transpired that accused named Wani had talked with accused named Babare, a police constable for export of red sandalwood illegally. Huge amount of consideration was to pass in this transaction. Ten tonnes of red sandalwood is allegedly exported illegally by preparing forged documents. According to the prosecution case, applicant Bharat met co-accused Wani and red sandalwood was thereafter illegally transported by committing dacoity by taking the container containing red sandalwood.

6. The offence alleged is very serious affecting the environment. Prima facie, the applicant seems to be involved in the racket of exporting red sandalwood illegally to foreign countries. As such the application is devoid of any merits and hence the order:-

The application is rejected.

(A.M.BADAR, J.)