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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1066 OF 2016

Sitaram Radhu Jadhav	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Mr.Ganesh K.Gole for the applicant.

Mr.Deepak Thakery, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 11TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.18/2016 for offence punishable under section 379 read with 34 of the Indian Penal Code and under section 14, 41, 42 of the Indian Forest Act, 1927 and the Rules framed thereunder registered with Kalmboli Police Station, Navi Mumbai by this application is praying for pre-arrest bail.

2. Heard the learned counsel for the applicant / accused and perused the F.I.R. The learned counsel for the applicant / accused pointed out that neither in the F.I.R. nor in

the statement of witness, name of the present applicant is reflected. He further argued that even in the remand report, the name of the present applicant is not stated by the Investigating Officer. All co-accused except accused No.2 have been granted bail. Only at the stage of filing charge-sheet, name of the present applicant is taken by stating that co-accused had disclosed his name.

3. The learned APP opposed the application by submitting that offence alleged is serious and the role of the present applicant is stated in the reply filed by the State.

4. Perused the charge-sheet. It is seen that on 8th February, 2016, on the basis of a secret information, police had intercepted a trailer. It was given to Rupesh Garge and owned by Rupesh Ghadge. Upon the information, it is found that the trailer was being used for transporting 307 logs of red sandalwood costing about Rs.1.02 crores. It is seen from the charge-sheet that some inferior timber was used for covering red sandalwood. The trailer as well as the contents thereof came to be seized by the Investigating Officer. In the reply filed by respondent-State, it is seen that it was the present

applicant who had placed orders for supply of red sandalwood to one Sagar Gole and Shankar Ghadge. It is further averred that amount of Rs.15,000/- was handed over by the present applicant to the said Gole – for payment to the driver of the trailer. The reply filed by the Investigating Officer further states that the applicant / accused had promised to pay Rs.2.50 lakhs for arranging transport vehicle and he promised to pay Rs.1 lakh after completion of the work. The Investigating Officer further averred that the Call Detail Records of the present applicant shows that he was in contact with the other accused persons at the time of the crime in question.

5. This Court is examining the matter for deciding whether the applicant is entitled for release under section 438 of the Criminal Procedure Code or not. At this state, the admissibility of evidence is not to be considered. Charge-sheet shows that huge quantity of red sandalwood was illicitly felled and it was being transported for the purpose of exporting it to some other country. The offence alleged has impact on environment as well as forest. The driver of the truck was not in a position to show valid transport permit for

transporting the material. Those documents could have been produced by the accused persons in order to show that the red sandalwood was of legitimate origin. Hence the application is devoid of merits and, therefore, the same is rejected.

(A.M.BADAR, J.)