

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

CRIMINAL APPLICATION (ABA) NO.46 OF 2016

(Santosh s/o Kamal Rathod ..vs.. The State of Maharashtra, through Range Forest Officer at Parwa)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 11-02-2016

Heard Shri R.J. Shinde, learned Advocate for the applicant, and Shri P.A. Gode, learned Advocate appears for the non-applicant in the capacity of standing advocate for the Forest Department. On query, the learned Advocate seeking to appear on behalf of the non-applicant has not been able to point out that notification under Section 24 of the Code of Criminal Procedure is issued enabling him to represent the non-applicant/State of Maharashtra in criminal proceedings.

2. The applicant has approached this Court seeking pre-arrest bail in the crime registered for the offences punishable under Sections 26(1)(a)(f) and 69 of the Indian Forest Act, 1927 and Section 379 read with Section 34 of the Indian Penal Code.

3. The applicant is a teak wood contractor. The allegations against the applicant are that he is involved in illegal felling of teak trees, in collusion with Shri Kurhekar who was working as Forest Guard. In the reply

filed on behalf of the non-applicant, it is stated that the Deputy Conservator of Forest, Pandharkawada has suspended Shri Kurhekar who was working as Forest Guard.

4. The learned Advocate for the applicant has submitted that another co-accused Arun Thak is granted bail, and claims relief on parity. The facts on record show that co-accused Arun Thak was employed as Labourer (Daily Wager).

5. Considering the facts on the record, I am not satisfied that the applicant is entitled for pre-arrest bail. The application is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE