

Dond

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2212 OF 2017

Pravinbhai Kokubhai Patel

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Niranjan A. Mogre i/b Sujay Hemant Gangal for Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 31st OCTOBER, 2017

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.I-1 of 2017 registered with Forest Department at Taluka Surgana, District-Nashik under Sections 26(1), a, d, e, 41, 65(a) and 42 of the Indian Forest Act, 1927.

2] It is the prosecution case that, the applicant is receiver of the said prohibited wood from co-accused. The applicant is arrested on 28.8.2017 in the present crime. Learned Counsel for the applicant submitted that, Section 26(1) and 42 of the Indian Forest Act prescribes

maximum punishment of six months and one year respectively and it is only because of the mandate of Section 65A of the said Act, it has been termed as a cognizable offence.

3] I find substance in the said argument. As the applicant is in judicial custody for about two months, in view of this Court the further incarceration of the applicant is not necessary.

In view thereof, the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.I-1 of 2017 registered with Forest Department at Taluka Surgana, District-Nashik on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) Till applicant furnishes solvent surety, he is permitted to furnish cash bail and to furnish solvent solvent surety as directed above within six weeks from today and

(iii) After his release from the jail, the applicant shall attend the concerned Police Station every 1st Monday of the month between 10.00 a.m. to 12.00 noon till filing of final report/complaint.

(iii) Applicant shall not tamper with the evidence and/or

influence the prosecution witnesses.

4] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)