

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

**CRIMINAL APPLICATION (BA) NO.695 OF 2017**

**Asif s/o Shakeel Baig Mirza**

**..VS..**

**The State of Maharashtra, through P.S.O. Khandala, District Yavatmal**

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

Court's or Judge's Order

Shri F.T. Mirza, Counsel for the applicant.  
Shri T.A. Mirza, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : AUGUST 7, 2017.**

This application seeks applicant's enlargement on  
bail.

The applicant is arrested in connection with Crime  
No.96 of 2015 registered with Khandala Police Station of  
Yavatmal District for the offences punishable under Sections  
420, 467, 468, 471, and 472 of the Indian Penal Code, 1860. The  
first information report is lodged by Nayab Tahsildar Shri  
Devanand Dhabale. The first information report was lodged on  
10.11.2015.

According to the first information report,  
co-accused Ganpat Yamanrao Maske moved an application with  
the Deputy Conservator of Forests for cutting Trees standing on

Survey No.199. The said land is Class-II land and it was essential to obtain permission from Competent Authority for falling those Teak Trees. The first information report recites that the permission from the Competent Authority gives rise to suspicion in the mind of the Forests Officers and, therefore, they made inquiries with the Revenue Department. On verification, it was found that the permission granted by the Revenue Department was bogus one and the document in that behalf was fabricated.

With this allegation, a crime was registered against said Ganpat Yamanrao Maske, landowner of the land whereat Teak Trees were standing. Subsequently, during the course of investigation, investigating officer arrested the present applicant and one Mohd. Heusen Mohd. Ismail.

Heard learned counsel Shri F.T. Mirza for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the non-applicant/State.

According to submission of learned counsel Shri F.T. Mirza for the applicant, except statements of co-accused, there is no other material connecting the present applicant in the present crime. He further submits that the present applicant is arrested on 21.6.2017 and since then he is languishing in jail. He submits that the present applicant is ready to abide by any condition that may be imposed upon the

present applicant. He also submits that other co-accused are already released on bail by learned Judge of the Court.

Per contra, learned Additional Public Prosecutor Shri T.A. Mirza for the non-applicant/State would submit that the present applicant has destroyed evidence viz. computer and printer by means of which the document, in question, is prepared.

When posed a question by this Court as to what is material available in Police Diary which is available with learned Additional Public Prosecutor to show reasonable connection of the present applicant with the crime, in question, learned Additional Public Prosecutor's reply was except the statement of co-accused Ganpat Yamanrao Maske, there is no other material to show complexity of the present applicant regarding the crime. The statement of co-accused is not admissible in law.

Further, learned Additional Public Prosecutor Shri T.A. Mirza fairly submits, on the basis of instructions and the record, which is made available to him by the investigating officer, that the entire investigation is almost over and formality of filing of charge-sheet is remained to be done.

Looking to the fact that there is no other material except the statements of co-accused connecting the present applicant to the crime and the entire investigation is almost

over leaving only filing of charge-sheet is required to be done, in my view, further applicant's incarceration behind bar is not required. The interest of the prosecution can be achieved by imposing certain conditions on the present applicant. Hence, I pass the following order:

**ORDER**

i) The criminal application is allowed.

ii) Applicant Asif s/o Shakeel Baig Mirza be released on bail on his executing a P.R. Bond in the sum of Rs.10,000/- with two solvent sureties of like amount in connection with Crime No.96 of 2015 registered with Khandala Police Station of Yavatmal District for the offences punishable under Sections 420, 467, 468, 471, and 472 of the Indian Penal Code, 1860.

iii) The applicant shall attend the Police Station twice a week i.e. on every Tuesday and Saturday in between 3:00 p.m. and 5:00 p.m., till charge-sheet is filed.

iv) After filing of charge-sheet, the applicant shall attend the Police Station once in a month i.e. on

.....5/-

last Saturday of each month in between 3:00 p.m.  
and 5:00 p.m.

v) With this, the criminal application is allowed  
and disposed of.

**JUDGE**

**!! BRW !!**

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