

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

ANTICIPATORY BAIL APPLICATION NO. 270 OF 2018

Javedkha Genikha Bamnavat. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Satyavrat Joshi, advocate for Applicant.

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

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : MARCH 8, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 4 of 2018 registered at Chandwad Police Station, Nashik Rural, District Nashik for offence punishable under section 379 of the

Indian Penal Code and under section 41-II(B) of the Indian Forest Act, 1927 and under Rules 31, 35, 55 read with section 82 of the Maharashtra Forest Rules, 2014.

3 It is the case of the prosecution that on 5/1/2018, police had received a secrete information that Nishan, Rakesh and Tatya were illegally transporting logs of sandal wood and proceeding towards Nashik. On the basis of the secret information, the police had taken action and had apprehended Verna Car bearing registration No. MH 02 CH 4501 at the toll naka and had asked 3 passengers to alight. After inspection of the vehicle, it was seen that they were carrying pieces of sandal wood measuring 194 Kgs. worth Rs. 3,68,600/-. The report was called for and it was confirmed that they are pieces of sandal woods. In the course of interrogation, the apprehended accused had submitted that they had purchased the said logs from the present applicant. It is in these circumstances, the applicant is apprehending his arrest.

4 The learned APP has submitted that in the course of investigation, it has transpired that the arrested accused had purchased sandal wood from the present applicant in the past for more than 42 to 45 times. That from the date of arrest of the other accused the applicant is absconding and could not be traced despite the best efforts of the investigating agency.

5 In fact, sandal wood is banned forest produce. The said pieces were sold at the rate of Rs. 900/- per Kg. It appears that the applicant is in the business of obtaining sandal wood illegally and selling it to the traders clandestinely.

6 It appears from the papers of investigation that the applicant herein had certain transactions with the arrested accused and since some bills have failed, they have deliberately implicated the present applicant. The learned Counsel for the applicant submits that the applicant is an agriculturist.

7 In fact, that may not have any bearing on the prosecution case. This Court is of the opinion that in the present case, custodial interrogation would be imperative and hence, the application being sans merits stands rejected.

8 However, it is made clear that the observations are restricted to the application under section 438 of the Code of Criminal Procedure and the same shall not be taken into consideration at the time of trial.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)