

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

ANTICIPATORY BAIL APPLICATION NO. 1216 OF 2017

Mr. Shagaf Altaf Nachan
@ Abasheth Nachan & Ors.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Mobin Solkar a/w Zara Salati i/b Yusuf Mithi for the Applicants.

Ms. A.A. Takalkar, APP for the Respondent/State.

Mr. Pankaj Gadhari, Forest Officer, Thane.

CORAM : A.S.GADKARI, J.

DATE : 07th FEBRUARY, 2018

P.C.:

. By an Order dated 18.07.2017, the Applicants were granted interim relief.

2 It is the prosecution case that after receiving confidential information, two trucks were accosted on Kalyan Padgha Road by the Investigating Agency and they found 13,410 kgm of illegal “Khair” wood in it. The drivers of the said trucks were arrested on the spot. During the course of investigation, it was revealed that the said consignment was to be delivered to co-accused Avinash Mohite at Chiplun. It is the contention of the prosecution that on 08.06.2017, the said co-accused revealed to the police that the said consignment was sent to him at the instance of Applicants herein and the custody of the Applicants is being sought on the basis of the said information received by the investigating

agency. The record indicates that, though the police/investigating agency had received information about the involvement of the present Applicants in the crime on 08.06.2017, in the remand report dated 09.10.2017 the names of the Applicants and the role played by them is conspicuously silent and therefore, prima facie I find substance in the contention of the learned Counsel for the Applicants that the Applicants have been unnecessarily roped in the present crime. It is further submitted that the Applicants have been implicated as accused in the earlier crime with similar allegations and therefore, the investigating agency wants to rope them in the present crime also.

3 The learned Counsel for the Applicants submitted that as a matter of fact the Applicants have left the business of transport and/or sell of woods long back and have settled in different vocation. He further submitted that the Applicants have been unnecessarily roped in the present crime. After perusing the record, prima facie I find substance in the contention of the learned Counsel for the Applicant.

4 In view of the above, interim relief granted by Order dated 18.07.2017 is hereby confirmed. However, the condition to attend the Investigating Officer/concerned Police Station is waived.

5 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)